









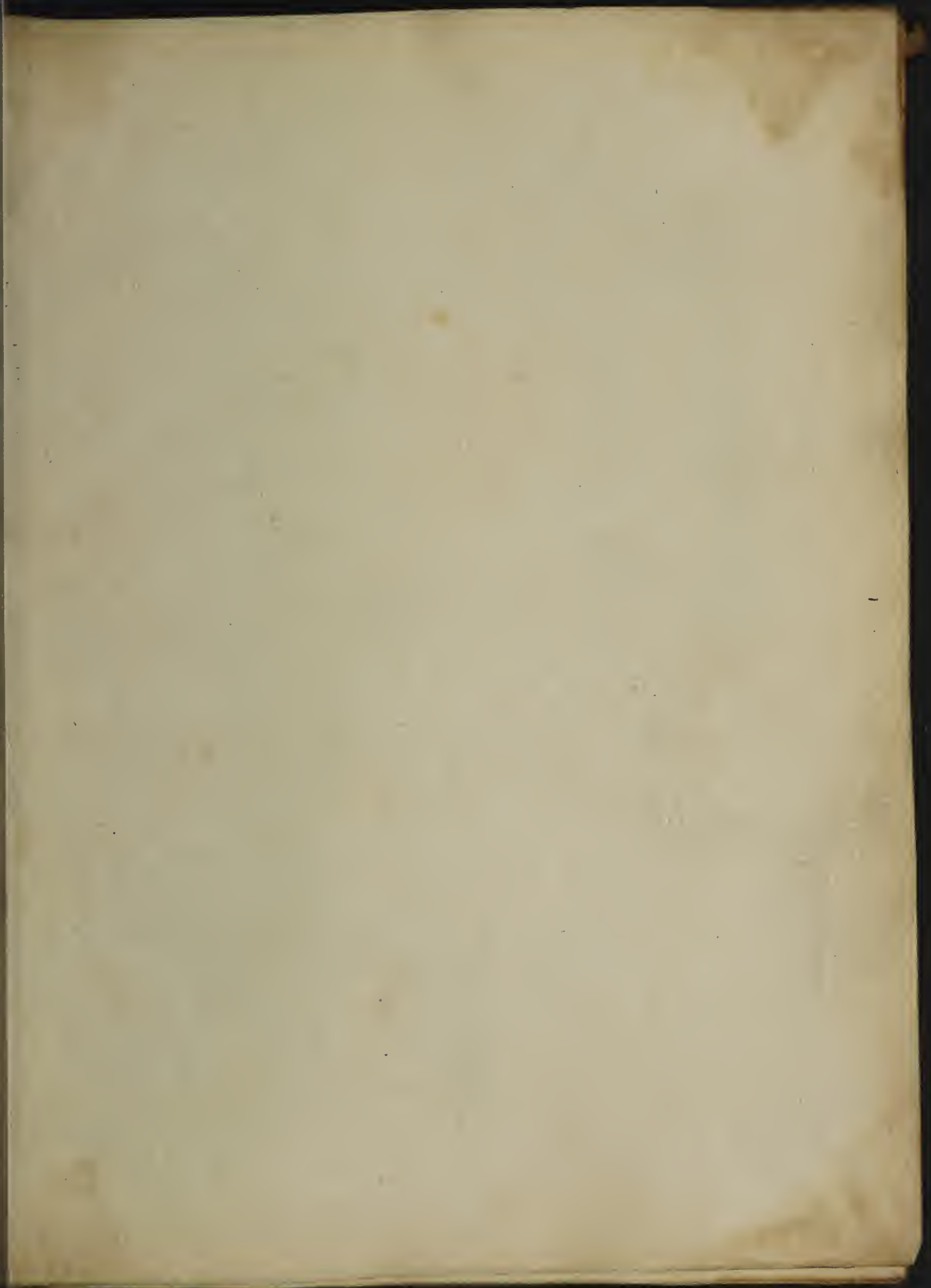


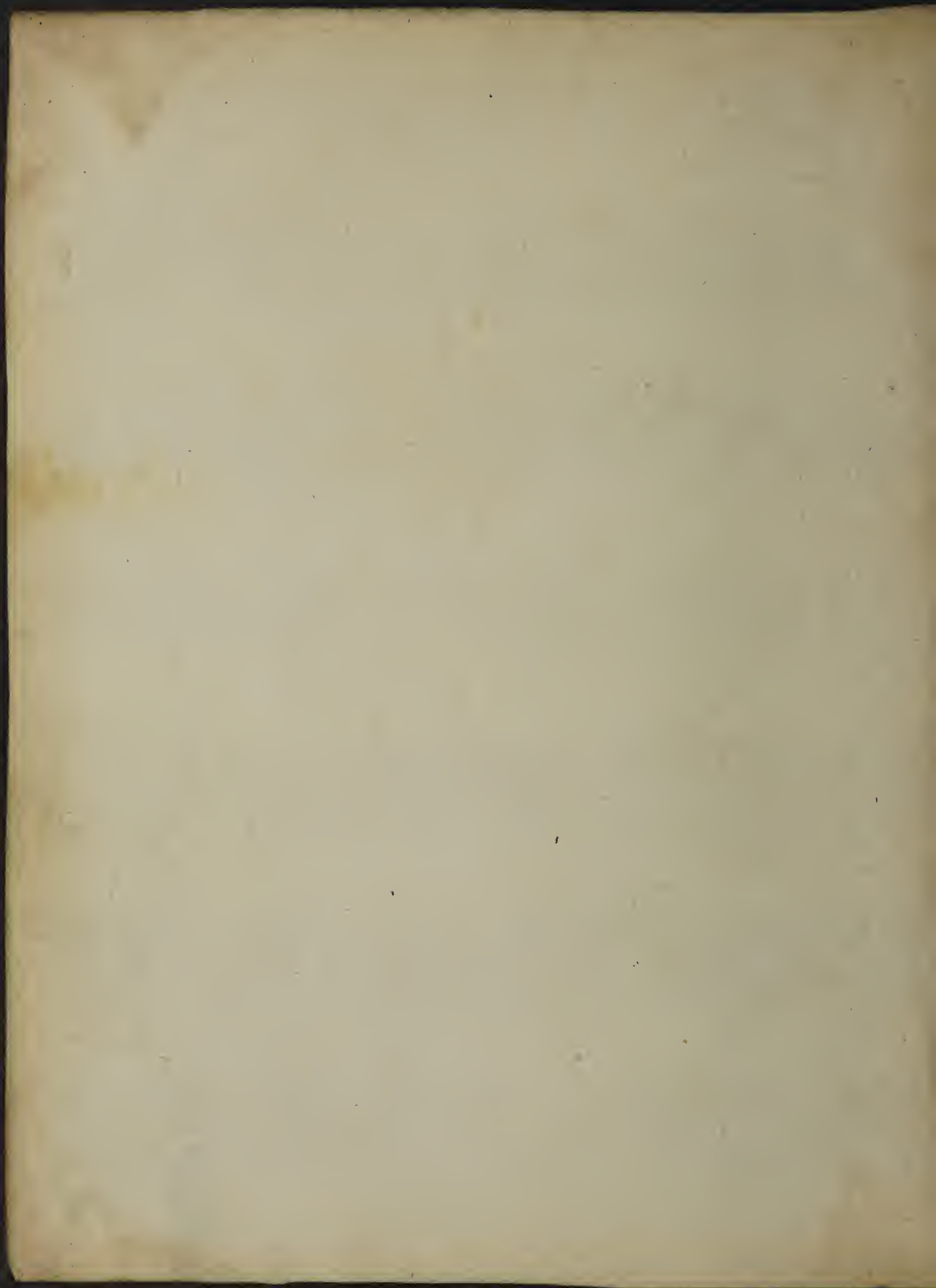
5592 / B

O. XI. 26.

S.T.C. 21350

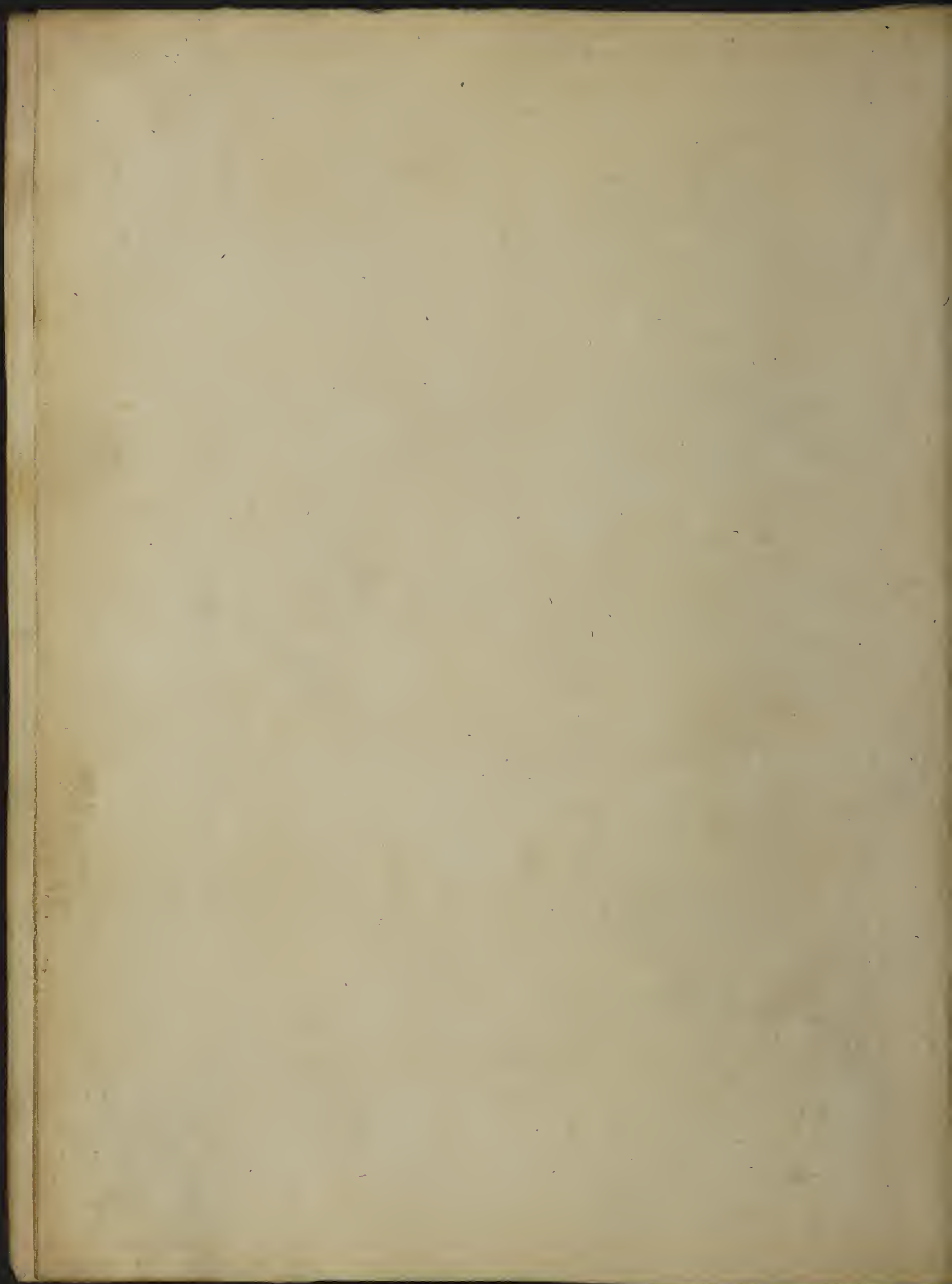
P.S.  
18/11/99  
674







17 C 3961



ARCHÆOLOGJÆ

ATTICÆ

LIBRI TRES.

THREE BOOKES OF THE  
ATTICK Antiquities.

CONTAINING

The description of the Citties glory, govern-  
ment, division of the People, and Townes with-  
in the *Athenian* Territories, their Religi-  
on, Superstition, Sacrifices, account of  
their Year, as also a full relation  
of their Iudicatories.

By FRANCIS ROUS Scholler of *Merton*  
Colledge in *Oxon.*

ARISTIDES.

Περὶ ἀληθοῦσι τὰς ἀκοάς, ἐπερχόμεθα, μᾶλλον ἔχοντες ἔργον ὅ,τι συ-  
λαξόμεθα ἢ ὅτω χρησόμεθα, εὐρεῖν. When others have in  
the same Argument preoccupied mens eares, they that  
speak afterward of the same subject, have a greater trou-  
ble to consider what they must passe by unsaid then what  
to say.

OXFORD,

Printed by LEONARD LICHFIELD, for  
EDWARD FORREST.  
M. DC. XXXVII.

NEW YORK  
ARTIFICER  
FIRST VOLUME

THE ORDER OF THE  
ARTIFICERS

CONTENTS

THE ORDER OF THE ARTIFICERS  
OF THE CITY OF NEW YORK  
AND THE COUNTY OF NEW YORK  
AND THE COUNTY OF WESTCHESTER  
AND THE COUNTY OF ALBANY  
AND THE COUNTY OF RENSSELAIRE  
AND THE COUNTY OF SCHOENEBROOK  
AND THE COUNTY OF SARATOGA  
AND THE COUNTY OF WARREN  
AND THE COUNTY OF WASHINGTON  
AND THE COUNTY OF YONKERS

OF THE CITY OF NEW YORK  
AND THE COUNTY OF NEW YORK

ARTICLES

ARTICLE I  
ARTICLE II  
ARTICLE III  
ARTICLE IV  
ARTICLE V  
ARTICLE VI  
ARTICLE VII  
ARTICLE VIII  
ARTICLE IX  
ARTICLE X  
ARTICLE XI  
ARTICLE XII  
ARTICLE XIII  
ARTICLE XIV  
ARTICLE XV  
ARTICLE XVI  
ARTICLE XVII  
ARTICLE XVIII  
ARTICLE XIX  
ARTICLE XX  
ARTICLE XXI  
ARTICLE XXII  
ARTICLE XXIII  
ARTICLE XXIV  
ARTICLE XXV  
ARTICLE XXVI  
ARTICLE XXVII  
ARTICLE XXVIII  
ARTICLE XXIX  
ARTICLE XXX  
ARTICLE XXXI  
ARTICLE XXXII  
ARTICLE XXXIII  
ARTICLE XXXIV  
ARTICLE XXXV  
ARTICLE XXXVI  
ARTICLE XXXVII  
ARTICLE XXXVIII  
ARTICLE XXXIX  
ARTICLE XL  
ARTICLE XLI  
ARTICLE XLII  
ARTICLE XLIII  
ARTICLE XLIV  
ARTICLE XLV  
ARTICLE XLVI  
ARTICLE XLVII  
ARTICLE XLVIII  
ARTICLE XLIX  
ARTICLE L  
ARTICLE LI  
ARTICLE LII  
ARTICLE LIII  
ARTICLE LIV  
ARTICLE LV  
ARTICLE LVI  
ARTICLE LVII  
ARTICLE LVIII  
ARTICLE LIX  
ARTICLE LX  
ARTICLE LXI  
ARTICLE LXII  
ARTICLE LXIII  
ARTICLE LXIV  
ARTICLE LXV  
ARTICLE LXVI  
ARTICLE LXVII  
ARTICLE LXVIII  
ARTICLE LXIX  
ARTICLE LXX  
ARTICLE LXXI  
ARTICLE LXXII  
ARTICLE LXXIII  
ARTICLE LXXIV  
ARTICLE LXXV  
ARTICLE LXXVI  
ARTICLE LXXVII  
ARTICLE LXXVIII  
ARTICLE LXXIX  
ARTICLE LXXX  
ARTICLE LXXXI  
ARTICLE LXXXII  
ARTICLE LXXXIII  
ARTICLE LXXXIV  
ARTICLE LXXXV  
ARTICLE LXXXVI  
ARTICLE LXXXVII  
ARTICLE LXXXVIII  
ARTICLE LXXXIX  
ARTICLE LXXXX  
ARTICLE LXXXXI  
ARTICLE LXXXXII  
ARTICLE LXXXXIII  
ARTICLE LXXXXIV  
ARTICLE LXXXXV  
ARTICLE LXXXXVI  
ARTICLE LXXXXVII  
ARTICLE LXXXXVIII  
ARTICLE LXXXXIX  
ARTICLE LXXXXX

NOTES

NOTE I  
NOTE II  
NOTE III  
NOTE IV  
NOTE V  
NOTE VI  
NOTE VII  
NOTE VIII  
NOTE IX  
NOTE X  
NOTE XI  
NOTE XII  
NOTE XIII  
NOTE XIV  
NOTE XV  
NOTE XVI  
NOTE XVII  
NOTE XVIII  
NOTE XIX  
NOTE XX  
NOTE XXI  
NOTE XXII  
NOTE XXIII  
NOTE XXIV  
NOTE XXV  
NOTE XXVI  
NOTE XXVII  
NOTE XXVIII  
NOTE XXIX  
NOTE XXX  
NOTE XXXI  
NOTE XXXII  
NOTE XXXIII  
NOTE XXXIV  
NOTE XXXV  
NOTE XXXVI  
NOTE XXXVII  
NOTE XXXVIII  
NOTE XXXIX  
NOTE XL  
NOTE XLI  
NOTE XLII  
NOTE XLIII  
NOTE XLIV  
NOTE XLV  
NOTE XLVI  
NOTE XLVII  
NOTE XLVIII  
NOTE XLIX  
NOTE L  
NOTE LI  
NOTE LII  
NOTE LIII  
NOTE LIV  
NOTE LV  
NOTE LVI  
NOTE LVII  
NOTE LVIII  
NOTE LIX  
NOTE LX  
NOTE LXI  
NOTE LXII  
NOTE LXIII  
NOTE LXIV  
NOTE LXV  
NOTE LXVI  
NOTE LXVII  
NOTE LXVIII  
NOTE LXIX  
NOTE LXX  
NOTE LXXI  
NOTE LXXII  
NOTE LXXIII  
NOTE LXXIV  
NOTE LXXV  
NOTE LXXVI  
NOTE LXXVII  
NOTE LXXVIII  
NOTE LXXIX  
NOTE LXXX  
NOTE LXXXI  
NOTE LXXXII  
NOTE LXXXIII  
NOTE LXXXIV  
NOTE LXXXV  
NOTE LXXXVI  
NOTE LXXXVII  
NOTE LXXXVIII  
NOTE LXXXIX  
NOTE LXXXX  
NOTE LXXXXI  
NOTE LXXXXII  
NOTE LXXXXIII  
NOTE LXXXXIV  
NOTE LXXXXV  
NOTE LXXXXVI  
NOTE LXXXXVII  
NOTE LXXXXVIII  
NOTE LXXXXIX  
NOTE LXXXXX



TO THE  
RIGHT VVORSHIPFULL  
Sr NATHANIEL BRENT Knight,  
*Vicar Generall, and the most vigilant*  
Warden of Merton Colledge  
in OXFORD, *Health,*  
*&c.*

**I**T is the custome of most, to im-  
pose a patronage of their errors  
upon some eminent person. But  
it shall bee my ambition in this  
my Dedication to manifest my observancie.  
Others make their choice of potent men,  
thereby to shun the darts of envy. It shall bee  
my glory to be thought worthy of invidency;  
whose ignorance is not so great but well  
\* 2 knowes

## THE EPISTLE

knowes that ever some will bite in secret; & scourge these errours of my youth with private reproaches. But such malignant tongues I will counterpoise with the winde; and set as lightly by as they are vaine. And although I am confidently perswaded that the covert of your wings bee sufficiently able to shelter my faults; yet had I rather to expresse my dutie towards you in these naked infirmities, whose goodnesse truely knowes how \* to pardon the bold adventures of learning. I present you therefore with ATHENS, whose deplorable raggednesse my papers well resemble: which may challenge this excuse, that they assimilate themselves to the Treatise in them contained. Which of all men, I my selfe am conscous most unfitly to haue handled. That Citie once the \* nurse of reason; \* which flourisht in eloquence, & braue atchieuements more then all *Greece*, could not, unlesse in her miserable ruines, haue without her disgrace beene spoken of by me. That ATHENS whence the learned Fathers of the Church suckt rare literature, *Basil* his eloquence

\* Ausis literarum ignoscere Vegetius in Prolog.

\* Cic. Epist. Patercul. in sine Lib. 1.

DEDICATORY.

eloquence, Nazianzen his strength, & others their flowing Oratory. That ATHENS which who had not seene is by \* *Lysippus* accounted a block. Accept, *Honoured Sir*, these Reliques of that famous Vniversitie, though by me offered, as Devotion paid to Antiquitie, by you well esteemed of, though among most of these our daies accounted durt; whose labour it is to seek new fashions, and like nought but what may be accounted novelty. Resembling the brute, of which *Cicero. Ad id solum quod adest, quodq; presens est se accommodat, paulum admodum sentiens prateritum, &c.* never caring for what is past. But you weigh well the excellency of talking with those Champions of Learning, hundreds of yeares since gathered to their former dust. By whose pensils wee see drawne the liuely images of deceased Monarchs, the formes of goverment, and very liues of states. Out of which patternes, if you please to deeme the least part of this to haue beene taken, it shall heap to my ioy that the following Tract will not seeme a spurious and de-

\* Apud Di-  
caarchum  
Εἰ μὴ τὸ θεῖον  
αὐτοῦ τὰς Α-  
θῶνας, σίλει-  
χθ' εἶ.

THE EPISTLE

generate ofspring. Vpon presumption of  
which I feare not, as the Eagles doe their  
young, to expose my brood to the rayes of the  
open Sunne. Thus with continuall wishes  
for addition to your happinesse, I take leaue,  
From my Study in Merton College Iun. 9. 1637.

Your VVorships in all humility

to be commanded

F. R o v s.





To the Reader.

**I**T is not a thirst of empty glory that makes me runne hazard of your censure, but a consideration of the weaknesse of Schoolemasters, who undertake to read the Greek Orators to raw Schollers, themselves being not ripe in the Attick customes. I have therefore so far endeavoured as you see. If any thing may afford a scruple to any, he shall engage me that will require satisfaction. If any thing seem amisse, it shall be taken by me as a favour to hear of it from any. For I am not of those whose eares are stopt, when their errors are told them. If this please it shall adde spurre to the finishing of this course intended; and as occasion may give leave, you shall have the rest that may be spoken.

Yours

F. R.

## Errata & inferenda.

**P**Age 5. line 5. read *mysteries*. p.6. in Argum. read *Circu-*  
*tus*. p. 11. in Marg. for or r. not. p.13. in Marg. k. l. m. p.  
 16. l. 24. r. abject. p. 18. in Marg. r. in *Solone*. p. 22. l. 12. put  
 the parenthesis after *Curialis* l. 23. r. *αεσοικοντες*. p. 23. l. 26. r.  
*η τα η τα*. p. 28. r. cap. 7. l. 17. r. *σημ*. p. 29. l. 18. r. *αερεσων*,  
 p. 32. l. 1. after *νομοι* put the parenthesis. p. 34. in marg. r. in the  
*hist*. p. 39. l. 24. r. from. p. 40. l. 25. r. *αεεγαλιον*. l. 32. *τε ξεν*. p. 41.  
 l. 5. r. imminent. in marg. r. Frag. p. 46 l. 34. r. *Polycleti*. p. 47.  
 l. 15. r. *πδεναι*. p. 25. l. 14. r. crier. l. 20. r. *Muneris*. l. 29. read  
 thus *מים* the Hebrew which availes as much as to offer, and  
*Missath* an offering *Deu. 16. חבת מים missath nidhbath* a  
 free offering, taken it seemes of prayer and praile. *Weichelius*  
*Est autem missa vocula Hebraica, quod nos Latine oblationem*  
*aut munus vocamus, quod sponte propriis manibus defertur atq̄*  
*expenditur in veros pietatis usus*. p. 8. in Arg. r. *Satyrica fabula*.  
 p. 95. l. 2. after *νομοι*, which were noted by letters. Other  
 faults your candid judgements may amend.



ARCHAEOLOGIAE  
ATTICÆ

LIB. II. CAP. I.

*Iavan, Ias, Iaones, Ionia, Ἀλιή. Ἀττάια. Ἀττή. Athena in altā,  
Cecropia, Cranae, Atthis, Attica, Athena sub Cecrope.  
Certamen Palladis & Neptuni, Plutarchi ea de re sententia,  
alii sub Erectheo volunt nominari, Iustinus sub Amphictyo-  
ne. Salenos. Selines. Satina. Sethina.*



BY the sonnes of Noah <sup>a</sup> were the Iles of <sup>a Gen. 10. 3.</sup>  
the Gentiles divided in their lands, every one  
after his tongue; when by their audacious fol-  
ly they would haue mounted vp to heaven,  
thinking to leaue a name to posterity, by buil-  
ding Castles in the ayre. From which attempt  
proceeded that which before they were jealous of,  
namely a scattering abroad vpon the face of the  
earth; hee hauing so spoken it, whose breath  
alone affords a faire winde: hoyst then they  
must their Sailes, and bidding adieu to the  
plaine in the land of *Shenar*, seeke out some  
new habitation. Travelers they were of yore,  
and yet still must iourney. Each one in  
as different a course, as of a diuers language.  
The sonnes of *Shem* their way, the sonnes of  
*Iaphet*, theirs. *Gomer* and *Magog*, and  
*Madai* and *Iavan*, with whom I purpose one  
furlong

to keepe companie, leauing the rest on one side or other or  
 behind, looking only to my proposed scope. <sup>b</sup> Από ἧς Ἰαυάνου  
 Joseph, An- <sup>a</sup> Ἰωνία καὶ πάντες Ἕλληες γέγονασι. From *Iauan* came *Ionia* and all  
 tiq. l. 1. c. 7. *the Greekes*. And in Scripture we haue *Iauan* put for *Greece*;  
 p. 13. in *Daniel* twice, <sup>c</sup> And when I am gone forth, loe the Prince of  
 e Dan 10. 20. *Grecia* shall come. And againe, <sup>d</sup> Hee shall stirre vp all against  
 d Cap. 11. 2. *the Realme of Grecia*. Where although the old translation ren-  
 ders it not *Iauan*, yet it is so found in the originall. Hee then  
 comming into the country called afterwards *Attica*, left vn-  
 to it his owne name, whence it was tearmed *Ionia* and *Ias*.

e Strabo l. 9.  
 p. 392.

ἢ ἡ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰᾶς ἐκαλεῖτο. For *Attica* was anci-  
 ently called *Ionia* and *Ias*. In which words wee still retaine  
 some reliques of the radix, notwithstanding the small diffe-  
 rence of the termination. But if wee please to view after  
 what title the *sonnes of Iauan* were stiled *Iaones* wee shall  
 come neerer home. *Strabo* in the aboue quoted place, Ὁ ἧ ποι-  
 ατὴς ὅταν φῆ--Εὐδαίει Βοιωτοὶ καὶ Ἰάονες-- τοῦ Ἀθωαίου λέγει. *Homer*  
 when he saies, *There the Bœotians and Iaones* speaks of the  
*Athenians*. The *Scholiast* of *Æschylus* on these words,

f In Persis  
 p. 133.

Ἰάονων γὰρ οἱ καὶ πέρσαι δέλων  
 Ἰεόν ἧ ὅπ' Ἰάονες οἱ Ἀθωαῖοι λέγουσι ἐκ πρὸ Ἰάονος Βασιλέως  
 αὐτῶν. It is to be vnderstood, quoth hee, that the *Athenians* are  
 tearmed *Iaones*; from one *Iaon* (hee meanes *Iauan*) that was  
 their king. Neither is it strange that the *ua* or *υ* *ψιλόν* is left  
 out; for though it be not written, yet perswaded I am that it  
 was as much pronounced, as other *au* *Diphthongs* were. For  
 the *antique Latines* and the *Greeks* spake it as broad *a*, as if  
 it had been *thesaros* not *thesauros*. *St. Walter Raleigh* is of opi-  
 nion that *Asia the lesse* had people before *Greece* had any, and  
 that *Iauan* did not fly from *Babylonia* into *Greece*, but took *Asia*  
*the lesse* in his passage, and from thence past over the neere way,  
 leauing his owne name to some maritimate province on that side  
 as he did to that part so called. In which, although the authori-  
 ty of so worthy and iudicious a man might move much, yet it  
 shall be sufficient for me, onely to goe so farre, as antiquitie  
 will

g Donat. in  
 Ter. p. 130.

will beare me out. <sup>a</sup> *Thucydides* reports that it is manifest, <sup>a</sup> Lib. I. p. 1. that all Greece was not *βεβαίως διακεκμηνη*, firmly inhabited, but that there were continuall pilgrimages, or remouings of the inhabitants, forsaking their former places, being driuen out by a stronger and greater number. Wherefore when there was no safe traffique or commerce by sea or land, each manured his grounds for to haue provent, alone to serue for present necessity, desiring no more then from hand to mouth; it being vncertaine, how soone they might be compelled to get them thence. Whereupon they did more willingly change their seats; not taking grieuous that sharp charge, *veteres migrate coloni. Be gone you ancient Boores.* But the more fertill soyle had hard bickrings. *Thessalie, Bæotia*, and a great part of *Peloponnesus*, except *Arcadia*, was often invaded, and the old Lords expelled. *Ἰὼ γὰρ ἄριστος ἐν τῷ ὄρει πλεῖστον διὰ τὸ λεπτότερον ἀσπορίας ἔσται, ἀνδραποιοῦν δὲ κεν οἱ αὐτοὶ ἀεὶ.* But *Attica*, by reason of the thinnesse or barrennesse of the ground, was alwaies inhabited by the same men (none it seemes being willing to leaue his better, for a worse.) not affording fuell to contention. Out of which peace sprung vp so great a multitude, that *Attica*, even now swarming, and *ἔχουσα ἴσους*, not able to containe and feed so many, is constrained to send forth Colonies into *Ionia*, a region of *Asia* the lesse, which is reported by the Greekes to borrow denomination from *Ion* the sonne of *Xuthus*, or, as the Poets say, *Apollo* and *Cressa*, who in the words of *Euripides* is thought to be *Ἰωνίου Ἀσιάδος ἄρχηγός*, the maker or founder <sup>c</sup> In *Ione. T. 2* of *Asia*. The mother *Ionia* (for so I please to say) kept not <sup>c</sup> p. 619. still her former name, For in processe of time shee owned *Actæa*; from *Actæon*, as <sup>d</sup> *Strabo* sayes, or from *Actæus*, according to <sup>e</sup> *Pausanias*, who was the first king thereof, by <sup>f</sup> *Tzetzes* on *Lycophon* called *Actæus*. But <sup>g</sup> *Dion Chrysostom* brings a more naturall reason then this, why it was *Actæa*, *Actæa* signifies a shore, both in the Greeke and <sup>\*</sup> *Latine* speech. <sup>\*</sup> *Virg. Æn. 5.* Now because all of it within a little was washed with the <sup>p. 214.</sup> sea, and <sup>h</sup> *ἀλιπυρῆς*, it might challenge vnto it selfe *Actæa*. <sup>h</sup> *Strabo. l. 9.* <sup>p. 391.</sup> *Dion*

ἡ δὲ καὶ τε ὀλίγη πᾶσαι αὐτῶν ὑπὸ τῆς θαλάττης ὄθεν ἢ καὶ Ἰξονομα λα-  
 βῆν, οἷον ἀκτιῶν πνεύμα. Hence *Ἀκτιῶν* by the *Enigmatical Poet* in  
 his *Cassandra* is put for this country. *Tzetzes*. Because it is  
 (*Acta*) a cliffe, that is cast forth and lying in the sea. And  
 Athens her selfe by *Plautus* is said *Athena in acta*, pro *Athe-*  
*nis Atticis*, as *Palmerius* hath noted. But this grew old after  
 a season, and *Cecrops* hauing married the daughter of *Actæus*  
 glories in his *Cecropia* (and Athens *Cecropia*, and *Cecropis ci-*  
*uitas*, and after that *Cranæus* from *Cranæus* the king that suc-  
 ceeded him) This *Cranæus* among other of his daughters had  
 one *Atthis*, from whom also was derived *Arthis* and *Attica*,  
 next *Posidonia* and *Minervia*, from *Neptune* and *Pallas*. In  
 this region stood *Athens*, *Queene of Greece*, so called, from  
 that victory which *Minerva* got over *Neptune*, when *Ce-*  
*crops* moved with a prodigie of a sudden shooting up of an  
 Oliue, and bubling forth of a salt spring in the *Acropolis*, con-  
 sulted the Oracle of *Apollo*, who taught them that the one did  
 signifie *Neptune*, the other *Minerva*, taking therefore the  
 men into suffrages for *Neptune*, and the women for *Minerva*,  
 who had most voices should carry it. The females being more  
 the Goddesse bore away the bell. Lo here a witty Divell to  
 bring in ἐμχῶνεις θεῶς, Gods of his owne making, to infold  
 the superstitious in an ignorant zeale. How ever let vs leaue  
 the shadow of poëtically fictions, and take the true draught out  
 of *Mythologie*. *Plutarch* is of opinion that the ancient kings  
 struiuing to draw away their subiects from seafaring negotiati-  
 ons, and a desire to liue by sayling, vnto tillage and manuring  
 of ground, gaue occasion of the speech that *Neptune* and *Mi-*  
*nerua* did altercate about the citie. *Ἐκείνοι δὲ*. &c. *Neptune* is  
 put for the Sea and business thereof. *Minerva* for Arts and  
 ingenuous kinde of life, nay saies *Ouid* in his *Kalender*. *Mille*  
*Dea est operum*, shee is Goddesse of a thousand trades. Others  
 say that the Citie was consecrated to her by *Amphictyon*, &  
*nomen civitati Athenas dedit*. *Iustine*. Others in the time of  
*Ereththeus*, among which is *Herodotus*, will haue this name  
 giuen.

i Pag. 22.

k In Spicile-  
gus.

l Strabo &  
Paul. locis  
præd.

a Varro apud  
August. l. 18.  
c. 9. de civit.  
Dei.

b In Them. p.  
87. l. 23.

c Lib. 2.

giuen. Which Author <sup>d</sup> *Marcianus Heracleota* doth follow, <sup>d</sup> *Ἐρεχθίδος ἡ πόλις ἣν ἔφερε Ἄθως τὴν ἀπο- σθηλαίαν λαβῆν.* This was that *Erethens*, who in a time of droughth over all the world except *Egypt*, brought corne to *Athens*, and taught the *Eleusinian mysteriet*. Beholding this Citie hath beene to *Egypt* for other kings; to wit, <sup>e</sup> *Cecrops* and *Menestheus*, for his father *Petes* was an *Egyptian*. In the time of *Diodorus Siculus* and before him was it a recei- ved opinion that *Athens* was peopled by the *Egyptians*, *Sais* in that tongue answering to *Athene* in Greeke, as *Tzetzes* out of *Carax*. Nay that they should bee of the inhabitants of *Sais*, they argue from this. Because that the *Saita* and *Athe- nians* haue divers customes alike. Witnesse *Diodorus Siculus*: But it pleases not me. I coniecture that first it was called *A- thens*, when the people began more seriously to addict them- selues to civill goverment, and studie of good literature; knowledge and art being ascribed to *Minerva*. Τῆ δ' Ἀθῶν ἡ ὀνομασία ἀπὸ τῆς θεῆς καὶ τῆς λέξης. saies <sup>f</sup> *Aristotle*. Nay her name being deriued from thence, *ἠθῆνα* in the *Chaldy* tongue signifying to *studie* or *learne*: from which come *thenaa* and with an article *ἠαθῆναα*, as <sup>g</sup> *Heinsius* the most learned. As for the conceit of *Goropius Becan*, from *ana* the number of three which notes eternity, and so from *hat-het-ana*. *Athens*. Because wisdome doth containe eternity, let vs send it back into *Germanie*. Loe now *Athens* named from learning, which was once the <sup>h</sup> *shop of letters* and the *Muses*, whereof it is now deplorably destitute, hauing lost the glory of former *Athens*, nay the name it selfe. For if wee beleeuue some they tell vs, that now it is *salenos* or *Selines*. To whom I accord not. Be- cause that I haue read *Selines* for *Megara* called *Nisaea*, which is not many miles from *Athens*. Furthermore in discourse with a natiue of *Peloponnesus*, who liued many yeares in that City, I had no other appellation from him then *Ateene*, which others write *Satina* corrupted as *Portus* and *Meursius* truly thinke for <sup>i</sup> *ἠθῶνας*. Nay <sup>a</sup> *Hugo Favolius* who was there

*ἠθῶνας* *στῆ*.

<sup>e</sup> *Aristoph.*  
*ich. pag. 79.*  
*Tzetx. in*  
*Lycoph. p. 23.*

<sup>f</sup> *Polit. 1. 8. c. 9.*

<sup>g</sup> *In Aristar.*  
*Sac. Synt. 1. c.*  
*1 p. 27.*

<sup>h</sup> *Isidor.*

<sup>a</sup> *In Hodap.*  
*Byz 1. 3.*

himselfe even to the same purpose names it *Sethina*.

*Vndiq; sic misera nobis spectantur Athena  
Dadala quas Pallas sese coluisse negaret,  
Quas, Neptune pater, nunquam tua maniacas  
Indigena Sethina vocant ---*

Wee wretched Athens round doe view, which now,  
Though once ingenious Pallas love, 's her shame,  
And t' have beene thine, Neptune, would' st disavow,  
To which the Homebred give *Sethina* name.

## CAP. II.

*Athenarum situs. Ἀστυπόλις, Ἀκρόπολις. Herba lucentes, Mu-  
rus, Pelasgicus & Cimonius, Propylæa. Circuitus veteris  
urbis, & nova. ἡ ἀνω & ἡ κάτω πόλις. Piræi brachia. Murus  
Phalericus. Porta. Aex. Laus passim apud scriptores: Cē-  
phissus Fluvius.*

<sup>b</sup> In Panath.  
p. 171. 172.

<sup>c</sup> Lib. 9. p. 396

\* Plin. Nat.  
hist. l. 7. c. 56.

<sup>d</sup> In Att. p. 13  
l. 16.

<sup>e</sup> Eunuch. act.  
5. sc. 6.

<sup>f</sup> Attic. p. 24.  
l. 43.

**G**reece, saies<sup>b</sup> *Aristides*, is placed in the midst of the whole earth, and in the mid'st of it stands *Attica*; the navell whereof is *Athens*, by which all *Greece*; clofeted in the wombe of time, receaved nourishment, before an happy birth had brought her forth into the light. Shee is seated upon a very high rocke, which habitations doe encompassse, as<sup>c</sup> *Strabo*: on the top of which stands that renowned fabricke even to this day, which *Cecrops* from himselfe names<sup>\*</sup> *Cecropia*; of old ἄστυ *The City*, by a kind of excellence, in a bravado of their antiquity, concerning which they were in perpetuall contention with the *Argivi*. Witnes<sup>d</sup> *Pausanias*.<sup>e</sup> *Terent*, *An in astu venit?* *Donat*. *Sic Athenienses urbem suam vocabant, unde ipsi incolæ ἄσται vocantur*. So<sup>e</sup> saith he, the *Athenians* called their Citty, whence the Citizens themselues are called *astoi*, after that they called it πὸ-<sup>f</sup> *Pausanias*. Which in his time was called Ἀκρόπολις or the high *City*, although it be often interpreted *Aræ* a castle, which



which ever were sacred to *Minerva*, as *Aristides*. Who therefore is by *Catullus* in his *Argonauticks* named *Diva reinens in summis urbibus arces*. The Goddesse that keepes the Turrets of Cities. This only now remaines, the succour and shelter of the barbarous *Athenians*, being strongly furnished with men and armes, in which alone dwell *Ianizaries*, to the number of seaven hundred thousand, as *Christophoro Angelo* told me, and avouched it, I fearing least hee had mistaken the number. As for the forces thereof *Hugo Favolius* shall thus instruct you,

*g* Orat. in Minerv. To. 1. p. 21.

*a* Ho. *œz.* Byz. l. 3.

*Arx tantum celebris hoc tempore montis eodem  
 Quæq; imposta iugo est, vastas prospectat in undas  
 Equoris, & circum dispersa mapalia, & omnes  
 Externo indigenas nocuo tutatur ab hoste,  
 Nobilis arx, toto qua non est altera Graio  
 Nota magis regno, validisq; instructior armis,  
 Ignivomoq; magis tormentorum impete tuta.*

A Castle only famous at this day,  
 Set on an hill, below which views the sea.  
 The scattered thatcht sheds, that stand it about,  
 The fort defends, and keeps invasion out,  
 And natives safe. A fort; none noted more.

In Greece, which hath a better warlike store,  
 On it for fiery Canons goes before.

Vpon the toppe of this Turret stand the fashions of Halfe  
 Moones most rarely gilded, after the manner of the *Ismae-*  
*lites*, who haue the Moone in no small honour, as my much ho-  
 noured *M<sup>r</sup> Selden* hath obserued. Of which Lunulets thus

*b* *De Diis Syris Syn. 2. cap. 2. p. 288.*

*Cuius inauratis longe rutilantia Lunis  
 Ardua cœli vagas feriunt fastigia nubes.*

Whose tops with gilded Moones aspiring high,  
 Doe knock the Clouds the pilgrims of the skie.  
 Neither may it passe obscurely which I haue taken up being  
 let fall from the mouth of an eye witness; namely that on the  
 side.

side of this hill, on which the *Acropolis* is built, growes a certaine kinde of herbe, that farre off, in the night season, giues a most shining and glittering light, to which when a man shall approach, he shall discern nothing but the herbe it selfe. Of which matter I seriously wish that I could testify the truth. It was delivered to me, *bona fide*, with good credit. The walls that environ this, are none now, saies *Favolius*, but in former time it hath beene well fenced; some part thereof erected by those two *Tuscan* brothers, who leaving their country, lived here vnder the *Acropolis*, called *πελαργοί*, *Pelargi*, *Storkes*, *διὰ τὴν στανίαν*, for their wandring, <sup>a</sup> *Strabo*, <sup>b</sup> *Plinie* sayes their names were *Euryalus* and *Hyperbius*. The two that first built houses of brick at *Athens*, when formerly they had *Caves* for dwelling places. But by the authority of *Pausanias*, though the Printers and Scribes haue done both that Author, and the persons wrong, in putting a false name vpon one of them, I will doe them none. Read then *Laterarias domus constituerunt primi Agrolas & Hyperbius fratres Athenis, &c.* <sup>c</sup> *Pausanias*. *ῥασι δ' Ἀρόλαν καὶ Ὑπέρβιον*. From these was that part which they edified called *Pelargicum*. *Aristophanes* in *Avibus*.

<sup>a</sup> Lib. 9. P. 397.

<sup>b</sup> Nat. hist. l. 7 c. 56.

<sup>c</sup> In Attic. p. 26. l. 34.

*ῥις δ' ἀν' καθέξει τῆς πόλεως τὸ Πελαργικόν;*

The other part of the *Acropolis* which was left naked, *Cimon* the sonne of *Miltiades* clothed. *Pausanias* in the fore quoted place. These walls admitted no gate but one, so rarely beautified with that costly *Propyleum* or porch, on which *Pericles* is discommended by <sup>d</sup> *Demetrius Phalareus* for disbursing so great a summe of money. <sup>e</sup> For which hee was not finally troubled how hee might giue vp his accounts to the people; His Nephew *Alcibiades* therefore seeing him somewhat sad, and demanding the cause, to whom when his vnkle replied, that it was about giving his accounts, seeke rather, quoth he, how you may not giue them. By which counsell the *Athenians* were entangled with that neighbour warre against the *Lacedemonians*, in which they found not vacancy for an audit.

<sup>d</sup> Tul. Off. l. 2.

<sup>e</sup> Val: Max.

lib. 3. c. 1.

By

By the way it shall be fit to acquaint you with thus much, that it was not permitted to a dog to enter into the *Acropolis*, as <sup>f</sup> *Plutarch*, διὰ τὸ ἀκολάστου καὶ δυσάδου it may be, for his heat in venerie and ill favour. Goats likewise, saies <sup>g</sup> *Varro*, came not thither, unless for a necessary sacrifice once, least they should hurt the *Olive* which is said first to haue sprung up there. The circuit of this *Acropolis* is said to bee threescore stadia. Now a *Stadium* is about some \* six hundred and twentie five feet, eight of which make a mile, it being the custome of the ancient Greekes, so to measure the length or distance of grounds, or Cities, by the στάδια. The first City then is contained in seaven miles and an halfe. But to this were added more houses able to make a City of themselves. And so indeed were they distinguished by ἡ ἄνω & ἡ κάτω πόλις, The upper and the lower City. <sup>h</sup> *Plutarch*, τῶν κάτω καὶ πρὸς θαλάσσην περιθύντες, τὴν ἄνω πόλιν διαφυλάττειν. Note here moreover, in the reading of your *Greece* Authors, that when you meet with τὸ ἄνω in the description of a country, you presently must conceave the higher part, if it be τὸ κάτω, <sup>a</sup> *Thucydides*. Ἐφεσθὲν τε καὶ ἀλλήλους τε καὶ τῶν ἄλλων ὅσοι ὄντες ἔθαλασσοὶ κάτω ἦκεν And they prayed upon each other, and among the rest who were not addicted to the sea, yet lived below, understand neare the sea, *Schol.* κάτω ἢ τοὶ ἐγγὺς τῆς θαλάσσης. The τὸ ἄνω then, & τὸ κάτω knit together made but one ioynt corporation; both, as it were uniting *Piræum* unto themselves, tooke up, as <sup>b</sup> *Di-* <sup>b</sup> *Orat.* 6. *on Chrysofostom* writes, two hundred stadia, which is about five and twentie miles. Vpon which place, *Morellus* produces a *Scholias*t testifying that the wals were μυλίων τε ἑξήσατον ἕν, fifteene miles saue one furlong. Where I wonder that the learned man had not estsoone perceived the number to haue beene corrupt, and written κα for τε, twentie five for fifteene. For so it ought to be. Neither is it strange that it had so large bounds. For consider that from *Piræum* to *Athens* were reckoned five miles, as you may see in <sup>c</sup> *Plinie*, From *Athens* <sup>c</sup> *Nat. hist.* 1. 2. to *Phalerum*, and so to the other side of *Piræum* foure miles <sup>c</sup> 85.

<sup>f</sup> *Ελληνικ.*  
p. 175.  
<sup>g</sup> *De re Rust.*

\* Five feet  
make a pace,  
and a thou-  
sand paces a  
mile. *Isidor.*  
*Orig. lib.* 15.  
c. 16.

<sup>b</sup> *In Phoc. p.*  
549. l. 47.

<sup>a</sup> *Lib. 1. p. 6.*

<sup>b</sup> *Orat. 6.*

<sup>c</sup> *Nat. hist. 1. 2.*  
c. 85.

and a quarter. The utmost wall of which *Thucydides* speaks in his second book consisted of five miles a quarter and halfe. The girdle of *Piræum* and *Munychia* had seven miles and an halfe more. All which being put together make up but twentie two miles one quarter and one furlong. But *Dion Chrysostom* must be here understood; and it behoves us to conceiue that he spake not barely of the naked walls, for then it cannot

*d* Loco citato hold; but I suppose some houses to haue beene without <sup>d</sup> πρὸς

τὸ πείλορον, as he saies, τὸ ἄσπετον οἰκῆσαι καὶ πάλαι καὶ ταῦτα ξίμπαντα.

In which I appeale to more judicious heads. Neither can I silently passe by the opinion of *John Meursius*, who reading in

*e* In Arcad. p. 244. l. 37. <sup>e</sup> *Pausanias* these words. Ἀθηναίους μὲν δὴ σάββας μάλιστα ἔκοσιν ἀφῆσκει τῆς πύλωνος ἢ πρὸς θαλάσσειον θάλασσαν, should presently

*f* Att. Lect. l. 3  
6.4.

obtrude to us, that *Pausanias* teaches, that the <sup>f</sup> wall called *Phalericus* is but twentie *stadia* or two mile and an halfe.

When indeed he meant nothing lesse. For speaking of salt springs, which he calls θαλάσσης κύματα, he seemes to involve a reason drawne from the neerenesse of the sea. For when he writes of this brackish well, *Among the Athenians, the sea which comes up neere Phalerus is distant from the City but twentie stadia at the most*, quoth he. Where *Amaseus* hath thus strangely doted. *Athene à Phalero absunt stadia haud amplius xx.* And that this was the meaning of the Author, proues that which followes. He might haue likewise considered that πρὸς with a Dative case signifies not onely *juxta* and *prope* as I haue translated it; but *supra* sometimes, which will now serue better. And *Meursius* indeed blames the

<sup>a</sup> Lib. 31.

<sup>b</sup> Lib. 3. Eleg.

39. p. 192.

<sup>c</sup> In bello

Mith. p. 125.

1.9.

<sup>d</sup> Pag. 355. l.

10.

<sup>e</sup> In Pericle. p.

115. l. 20.

number; but sees not into the words. Now it is not needlesse that the two walls, which joynes *Piræum* and *Athens* at so long a distance, be somewhat spoken of, seeing they are reckoned by <sup>a</sup> *Livie* among the *multa visenda*, Many things worthy of sight at *Athens*. These are the μακρὰ τεῖχη, in <sup>b</sup> *Propertius*, --- *The sea brachia longa via.* <sup>c</sup> *Appian* of *Alexandria*, μακρὰ σκέλη, and <sup>d</sup> *Plutarch* in *Cimone*. One lying towards the North, of which <sup>e</sup> *Plutarch*. The other towards the South,

in

in height about forty Cubits, as <sup>f</sup> Appian testifies. These are called *διὰ μέσων τείχεσσι* by <sup>g</sup> Dion Chrysostom, because Athens being at one end, and Piræum at the other, these were drawn forth betweene. And when writers speake of *Νόπον διὰ μέσων τείχεσσι*, it may be conjectured that it is for distinction of that *Νόπον τείχεσσι* in the Acropolis which Cimon built, <sup>h</sup> witnessse Pausanias. Aristophanes seemes to bring authoritie for an opinion that Themistocles built these. *In Equitibus.*

<sup>f</sup>In Mith. p. 124. l. ult.  
<sup>g</sup> Orat. 6.

<sup>h</sup> In Attic. p. 19. l. 8.  
<sup>i</sup> P. 337.

Τὸν Πειραιᾶ προσέμαζεν.

Which his <sup>k</sup> Scholiast affirmes. *Τὸν δὲ Πειραιᾶ Θμιστοκλῆς προσέμαξε τῇ πόλει.* For Themistocles added Piræum to the City. We read in <sup>l</sup> Probins that he was the only agent in walling the City, and that he so hastned the accomplishing, that they were faine to be as it were sacrilegious, and make use of materials formerly consecrated to the edifying of Temples, and Monuments of the dead. But <sup>m</sup> Plutarck gaine-saies this, and that he did onely *πρὸ πόλιν ἐξάπειν τὸ περαιῶν, καὶ πρὸ γλῶττις δαλάτης*, conjoyne the City and Piræum, and put the land to take acquaintance with the sea. It seemes somewhat forward before. How ever, so fennie was the ground it was founded upon, that the worke soone came to great reparation, which <sup>n</sup> Cimon the sonne of Miltiades undertooke. For with stones of an huge weight and lime he made the earth so firme that it could not giue. Nay he was so liberall, that he did out of his owne expences so great favours, to a people that some yeares after gratified him with exile. Neither did he only mend the breaches; but in after time <sup>o</sup> finished the whole worke, so that he may truly be said to be the founder of them. Let us now come to the Gates of the City. \* *Meursius* hath observed tenne, but I feare they will scarce suffice to such a vast City. Take then these. *Dipylon* or *Thriasia*, the fairest of all, *velut in ore urbis posita*, placed as it were in the front of the City, sayes *Livie*, *maior aliquanto patentiorq̄ quam cetera est*, greater somewhat and wider then the rest. Hence I suppose named *Dipylon* as if it were as big as two gates. *Πειραιῶσι. Πειραιῶσι.*

<sup>k</sup> P. 338. A. col. 2.

<sup>l</sup> In Them. p. 27.

<sup>m</sup> In Them. p. 87. l. 25.

<sup>n</sup> Plut. in Cim. p. 355. l. 14.

<sup>o</sup> Plut. p. 355. l. 12. unlessse

*τὸ ὑπερῶν* may haue respect to Conon who after the victory at Cnidus, erected these wals as Pausan. in Atticis. p. 2. l. 14. I would

neither de- ceave my selfe or the Reader.

\* Attic. Lect. initio.

p. Dec. 4. l. 1. p. 11. A.

*raica* Neere the Temple of *Chalcædon*. Here were buried  
 some of those that died in fight with the *Amazons* in the time  
 of *Theseus*. <sup>g</sup> *Plutarch*. *Ἰππάδης*. *Hippades*. where the bones  
 of *Hyperides* the famous Oratour rest with his progenitours,  
 who being racked under *Antipater*, chose rather to bite off his  
 tongue, then to divulge the secrets of his country. <sup>a</sup> *Ἰεργί*. *Sa-*  
*criæ*. the sacred gate. We read of this in <sup>b</sup> *Theophrastus's* *Cha-*  
*raçters* but to my great admiration, that the Eagle-fighted *Ca-*  
*saubon* had not espied a fault. For though it be true that there  
 were such gates at *Athens* as *Ἰεργί*, yet is there any that ever  
 read *ἅτι τὸς Ἰεργίς πύλαις ἐξενλώχθαι νεκρῶς*, the dead to have been  
 carried out to buriall through the Sacred gate? It makes not  
 any thing that it was spoken to a stupid fellow, for they spake  
 not as our vulgar doe, such as, *When Christmas comes out of*  
*Wales*, write then *Ἡείας*. *Heia* are the gates at which they  
 went forth with their corps at the solemnizations of their ob-  
 sequies, the reason of which shall be spoken hereafter. <sup>c</sup> *De-*  
*mosthenes*, *Αἰγῶς πύλαι*. The gate of *Aegæus*. It seemes to  
 have beene in *Delphinium* where he dwelt; whence the *Her-*  
*mes* or Image towards the East end of the Temple was called  
<sup>d</sup> *Ἐρμῆς ἐπ' Αἰγῶς πύλαις*. The statue at the gates of *Aegæus*.  
<sup>e</sup> *Μελίτιδες*. *Melitides*. Where lyes *Thucydides* the sonne of  
*Olorus* that wrote the *Peloponnesian war*, who after his re-  
 turne into his country from banishment, was treacherously  
 murdered, his Sepulcher stands neere these gates. <sup>e</sup> *Pausani-*  
*as*. *Κεραμικῆ*. *Ceramica*. These are called by *Xenophon* *αἰὲν τῶν*  
*Κεραμικῶν πύλαι*. The gates in *Ceramicus*, where many of the  
*Lacedæmonians* were buried, which died in the seditious war  
 that *Thrasylbulus* made against the *Thirty Tyrants*. <sup>f</sup> *Xeno-*  
*phon*. *Διοχάρης πύλαι*. The gates of *Diochares*. Of whom I  
 have nought to speake. *Αχαρνικῆ πύλαι*. The *Acharnan gates*.  
 I suppose they were called so from that Towne or Village  
 neere, named *Acharnia*, to which it is probable it looked. For  
 so did the ancients name their Gates from the Towne to  
 which they were neere. The *Romans* their *porta Collatina*  
 from

<sup>g</sup> In Theseo.  
 p. 9. l. 20.

<sup>a</sup> ἐν βίοις Ἰ  
 p. 456.

<sup>b</sup> ἐπὶ ἀνασ-  
 τῆσις. p. 45.

<sup>c</sup> Pag. 715.  
 num. 95.

<sup>d</sup> Plut. Thef.  
 p. 4. l. 21.

<sup>e</sup> Atticis p. 21.  
 l. 41.

<sup>f</sup> Ἑλλῶν. 6.  
 p. 279. l. 43.

from *Collatia*, a Burge not farre off. And happily it is so here, as also in *Διομεια*. *Diomaa*; for *Diomus* is a people of *Athens* not any great matter distant from the City. *Θρακία*. *Thracia*. These are all that ever I met with named: others there are obscurely pointed at by *Pausanias*, as that neere the Gallery which from its various draughts they call *Pacile*, where is the effigies of *Mercurie Agoraus* in brasse. And others about the beginning of his *Attica*, of which I had better hold my peace then speake as good as nothing. Thus haue wee found twelue gates; which being opened enter; sucke that sweet aire, whose excellent purity brought forth such acute wits,<sup>a</sup> and prepared with a most happy bounty understanding iudgements for contemplation. Whence<sup>b</sup> *Euripides* may well straine to this note, that *Venus* sitting neere, and adorning her selfe, sends forth continually *Cupids of learning*, *παντοίης ἀρετῆς ξυωρεῖς*. Well may he blesse that clime stiling it,<sup>c</sup> *λαμπρότατον αἰθέρα*, which hath beene the Mother of the *Muses* (by the leaue of *Mnemosyne*) or at least the Nurse to them, for there are they said to haue travelled with *Harmonia*; as if there were no such melodious concent, as in the Sciences. Let not<sup>d</sup> *Theophrastus* assert all *Greece* to lye under the same temperature and disposition of the heavens, when at this day it may be spoken, as once *Aristides* did of it. <sup>e</sup> No coast so truely void of all earthly dregs, and participating more of the celestiall and defecated aire. Not unworthily hath *Sophocles* beene lavish in expressions. <sup>f</sup> *Famous*, <sup>g</sup> *The most renowned*, <sup>h</sup> *Happy*, <sup>i</sup> *Sacred Athens*. *Pindarus*. <sup>k</sup> *Wonderfull*. <sup>l</sup> *Much spoken of*. <sup>m</sup> *Neat*, &c. To the making up of her delight comes to all the river *Cephissus*, which is able to beare vessels of a good burthen, as I haue beene informed, but the *Turkes* fearing least it might be advantagious to an enemy that might invade them, haue cut it into many and sundry litle streames, damming vp with an innumerable quantity of stones the mouth of the river for a mile in length. Thinking they haue sufficiently prevented, which they did but suppose could happen.

Meursius hath added two. I. *tonæ*, & *Scææ*. in *Atticis*. which I never saw until I had written this place as God and man is my witnesse. I speake least any should think that I haue stolne out of him, because we meet *Atticis* p. 14. l. 11. <sup>a</sup> *Cassiod.* Var. l. 12. <sup>b</sup> *Medea*. p. 460. 461. <sup>c</sup> *Med.* p. 459. <sup>d</sup> In *Præf.* ad *ad Charact.* <sup>e</sup> *Tom.* 1. p. 173. <sup>f</sup> *Aia.* p. 57. <sup>g</sup> *Oed. Col.* p. 258. <sup>h</sup> *Oed. Col.* p. 264. <sup>i</sup> *Aia.* p. 716. <sup>k l m</sup> p. 361.

CAP. III.

Αττικοί. Αθω υοι, Mores, & Ingenia. τὸ μισθὰ εἰς βαρυν. Quantum hodierni differant à veteribus; & qualem vitam rationem modumq; habent.

Ἐν βίῳ Ἐλ-  
λάδι.  
p. 169.

THE Athenians by<sup>1</sup> Dicaearchus are divided into two sorts, Ἀθηναῖς, Atticos, and Αθωαῖος. Of which though there were no difference in latter times, yet certainly of old there was. In somuch as one of the punishments, which the Athenians are said to inflict upon their women (for the appeasing of Neptune, bringing in an inundation upon their fields to their great dammage, in anger conceived for losse of the Title of the City) was this,<sup>m</sup> That none should after call them Αθωαῖος, Athenians, but Αττικὰς, Atticas. A revenge I suppose opprobrious enough. For thus writes my Author. Οἱ

m Varro apud  
Aug. de Civ.  
Dei. l. 18. c. 9.

μὲν, περίεργοι ἔξ ἁλλοτρίων, ὑπελοιοὶ, συκοφαντῶντες, ὡσαύτως καὶ ἔξενικῶν βίων. Curious babblers, Deceitfull, Calumniators, Observers of the lines of strangers. Περίεργοι ταῖς ἁλλοτρίαις. A sufficient wit-

a Act. 17.

ness of this is<sup>a</sup> St Luke, that saies, they did regard nothing more then to heare and speake noveltie. To which end they often met in Barbers shops, where all the newes, that was going in those daies, was currant. Hence say we, *verba in ton-* *strinis proculcata*: and in Greek ἐπι τοῖς κερείοις λόγιον,<sup>b</sup> Aristophanes.

b In Plueto p.  
38.

Καὶ τοὶ λόγοι γ' ἴω, ἢ ἔξ Ἡρακλεία, πολὺς  
Ἐπὶ τοῖσι κερείοισι καθεμύων  
ὡς ἐξ ἀπίνης ἀνὴρ γελῶν πλέσιον.

They that sate in the Barbers shops did talke much that hee was suddenly growne rich. The Scholiast seemes to take the meaning as if the Comædian had quipped them for resorting to Barbers, and neglecting Barber-Chirurgions of better credit. But I see no reason. They met in both to prattle.<sup>c</sup> Ἐπιαν

c Var. hist. lib.  
3. c. 7.

Καθεζομένης ἐν ἰατρείῳ, φορητῆς, καὶ κακῶς ἀγροδύειν ἐκ παντὸς ἔπιαν  
δ.



*Ἰπώνας*. Sitting in a Chirurgions shop, scandalous, and thir-  
 stie to speake ill by all meanes. *Ἰπυλοὶ*. men Italianated, who  
 can smile, even when they cut your throat. Such as *Theophras-  
 tus* hath in his Characters drawne out, who can be affable to  
 their enemies, and disguise their hatred in commendation,  
 while they privily lay their snares; that salute with mortall  
 embracements; and elasp you in those armes, which they  
 meane to embrew in your dearest blood. In summe, faire  
 without, but rotten within, like a wound which is healed a-  
 boue and seemes sound, but putrifies under the skin. And so  
 much the word doth import. *Συκοφαντώδεις*. Given to false ac-  
 cusations. The Scholiast of *Aristophanes* writes, that it be-  
 ing forbidden to carry figges out of *Athens*, and some never-  
 thelesse the decree being absolute against it, presuming so to  
 doe, they set rogues in the gates that did appeach them, (as  
*Plutarch* likewise) Hence came this word to bee used for  
 any crafty knaue that gets his living by promooting, & *Ἰπώ-  
 νας* ζῶν. One that meddles in every mans affayres, and  
 therefore *Aristophanes* hath fitly brought one upon the  
 scene terming himselfe an Overseer both of private and pub-  
 like matters. If then such a person had espied any tripping,  
 and gotten him on the hip, hee would as sure haue fetched  
 him over for his coyne, as any *Summoner* doth a person delin-  
 quent towards the flesh, or any Lawyer a credulous client, and  
 having well plumed him, afterwards giue him a dimissorie.  
*Ἐκείνοι* (*Sycophantæ*) μὴ γὰρ παρ' ὧν χρήματα λαμβάνοιεν, ζῶ ἔων.  
*Xenophon*. Such were many in *Athens*, insomuch that *Aristotle*  
 being asked what *Athens* was, answered, *παῖδάλη*, All beauti-  
 full, ἀλλ' ὄλην ἐπ' ὄλην ἵεσκέει σῦλον δ' ἐπ' σῦλον, in a verse of *Ho-  
 mer* in the description of *Alcinous* his garden, but peares grew  
 ripe after peares, and figges after figges, meaning a continuall  
 succession of *Sycophants*. This made *Socrates* the Oratour to  
 compare the City to a *Curtezan*, with whom few there were  
 but would haue to doe, yet none dare take to wife; affirming  
 it to be the best place to sojourne in, but the worst to inhabit:

d Cap. 1. 1. 1.  
*ειρωίας.*

e In *Plut.* p. 5.

f In *Solone*  
 p. 65.

g *Xenophon.*  
*Ἐπιλωκ. 6.*

p. 27 l. 20.  
 h *Pluto.* p. 90.  
 c. p. 91. b.

i *Ἐπιλω. β.*  
 p. 272 l. 19.

a *Ὀδυσ. η.*

By

By reason of their Sycophants and trecheries of nimble tongued Oratours. Παρεπιτηται τῶν ξενικῶν βίων. I was once halfe in an opinion that these words were to haue beene put to the former thus, συκοφαντώδεις παρεπιτηται τῶν ξενικῶν βίων, And I thinke the sense will runne well, *Malitious observers of the lines of strangers.* The Athenians were φιλόξενοι and held hospitalitie sacred, and I doubt not but they had that Law, *That forrainers should receaue no wrong, ἵνα μὴ ἀδικῶν.* <sup>b</sup> Socrates in Xenophon. Now he discommends the Ἀττικοὶ as ready to trouble and vex strangers in law, duly marking and bearing an eye vnto them to take them at an advantage: As for the Athenienses they were μεγαλόψυχοι, ἀπλοὶ τοῖς ὅποις, φιλίας γνήσιοι φύλακες, *Braue spirited, single dealing, and faithfull friends.* But as the words were at length confounded, so did their manners degenerate, growing into ἀνωμαλίαν τῆς φύσεως, an Irregularitie of nature. as <sup>c</sup> Polybius. No μεγαλόψυχία afterwards, but haughtinesse of spirit, magnanimity now fallen. And when <sup>d</sup> Livy sayes *ex vetere fortuna nihil præter animos servare*, he meanes, they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἀπλότης, or simplicity, no <sup>e</sup> lambe-like innocency, or mildenesse; but as <sup>f</sup> Plutarch speakes, *people rashly angry, soone pittifull, rather inclined sharply to take opinion, then quietly to be enformed.* And <sup>g</sup> as they are ready to helpe base and obiect peasants, so friendly do they entertaine childish and ridiculous toyes, reioycing in their owne praises, & nothing moved with scurrility, Fearefull and terrible even to their governors, humane towards their enemies. Not unfitly then <sup>h</sup> Valerius Maximus, *Quantam ergo reprehensionem merentur, &c.* How deserue they to bee blamed, who though they had iust lawes, yet had most wicked disposition, and chose rather to take their owne courses, then put in practise their statutes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comædian hath put Ἀττικὸν ἐλέω, *An Athenian looke,* in <sup>i</sup> Nubibus. <sup>k</sup> φιλίας γνήσιοι φύλακες, So accounted in the time of <sup>l</sup> Paterculus,

<sup>b</sup> Απμνημ. c. p. 428.

<sup>c</sup> Lib. 6.

<sup>d</sup> Dec. 4. p. 7. l. 1.

<sup>e</sup> Aristoph. p. 694.

<sup>f</sup> πολιτ. παρ. εγγ. p. 387.

<sup>g</sup> Lib 5. c. 3. p. 207.

<sup>h</sup> Pag. 189. g. a Lib. 2. p 47.

<sup>l</sup> Paterculus,

enlus, that what was done in sincerity and faithfull trust, the Romans would say, it was performed *fide Attica* with an Athenian loyaltie. Feare and power might make them trusty, but how they brake their leagues, took part with other *Flan-* *ders* against confederates, and violated the lawes of armes, Historians are not dumb. As for their wrath it was *ἀειμνός*, ever mindfull, as <sup>b</sup> *Virgil. memor ira*. And the hatred they prosecuted the Barbarians withall was so unquenchable, that it burned against <sup>c</sup> all Barbarians for the *Persians* sake; & they forbad them their sacrifices as they used to doe murderers among them. Where you must note that all that were not *Gracians* were called of them *Barbarians*. But loe! How are they now become all Barbarous! whether or no people of *Africa* or some of the *Catelani* I cannot iustly tell. *Mahumédans* all, poore and miserable, living by rapine, or fishing, or tilling the earth, <sup>d</sup> *Favolius* *Duraq̄, coasti*

<sup>b</sup> *Æneid. 1.*

<sup>c</sup> *Isocrat. in Pan. p. 109.*

<sup>d</sup> *Hodæp. Byz. l. 3.*

*Pauperie assuerunt vitam tolerare rapina.  
Aut passim infestant furto, raptōq̄, propinqua  
Æquora pirata, sed quæ pars æquior, hamis  
Fallit inescatos tereti sub arundine pisces.  
Aut desolatas exercet vomere terras,  
Semper inops, misera, infelix, rerum omnium egena.*

Opprest with need they doe their life sustaine  
By rapine, and anoy the neighbour maine  
With pillaging. Who are more iust and good  
With angling doe the silly fish delude;  
Or plough the grounds made desolate before,  
Vnhappy, wretched, mis' rable, still poore.

C

CAP.

CAP. IV.

De populi divisione, Ευπατρίδαι. Γεωμόργι. Δημιουργοί. Πεντακοπομί-  
δουροι. Ιωταίς. Ζεῦσι. Θῆται. Quid Atheniensibus cum Æ-  
gyptiis commune?

e so doth Di-  
onyfius Hali-  
carnassens di-  
vide them in-  
to Ευπατρίδαι  
& ἀγροίκους  
lib. 2. n. 2.

a Pollux l. 8.  
c. 9. p. 404.

b In Solone.

c Pag. 6 r. in  
Solonem.

Here were at first but two kindes of people in Athens,  
two orders quibus inter gradus dignitatis fortunæq; ali-  
quid interlucebat, in which there was difference of dignity &  
fortune: such as at this day are in France either Peeres or Pea-  
sants, or as in Venice Patricians and Plebeians. And although  
Pollux calls them τρία ἔθνη, three sorts, yet I make but two, be-  
cause the γεωμόργι were not any way more gentile for blood,  
surpassing for riches, or happy for life. But because he hath so  
set them, take them thus, as he speaks. τρία ἔθνη παλαι-  
Ευπατρίδαι, Γεωμόργι, Δημιουργοί. Ευπατρίδαι, Eupatridæ, were such  
as were descended from the loynes of those Heroes famous in  
the Greek history, whose families were ever renowned, and  
posterity propagated to many generations; such as Praxiergi-  
dæ, Eteobutadæ, Alcmaeonidæ, Cynidæ, Ceryces. &c. whom we  
may tearme Nobles, or men of good birth. Γεωμόργι, Geomori,  
may not seeme unlike our Yeomen, who had lands of their  
owne, and sustained themselves with the fruit and commodi-  
ty of these their possessions. Δημιουργοί, Demiurgi, were men of  
some handi-craft, Tradesmen, such as Tentmakers, Shoema-  
kers Carpenters, Masons, and the like. But Solon made ano-  
ther division: For when the Diacrii, which were those that  
lived in the upper part of the Citie, οἱ ἐξ ἄνω, saies Diogenes  
Laertius; and the Pedieî which likewise are πεδίοις, such as li-  
ved in the middle of the Citie, or the plaine. And the Paralîi  
who lived neere the sea, were at contention about govern-  
ment. The Diacrii leaning to a Democratie, as Plutarch  
writes, the Pedieî to an Oligarchie, and the Paralîi between  
both, and had chosen Solon to arbitrate and determine the  
matter.

matter; he made these foure rankes. Πεντακοσομεδιμνος, Ἴππεις, Ζεγίτας, Θήτας, Pentacosimedimnos, Equites, Zeugitas, Thetas. Pentacosimedimni were those who ἐν ἕνεσις ὀμῆ καὶ ὑγροῖς, <sup>d</sup>Plut. p. 65. could make five hundred measures in wet, and drie commodities alike. What *Possardus* then brings out of *Varro* concerning *modium*, hath no place here, for he supposes that *Pentacosimedimnus* was he that had as much ground as fifty *Medimni* could suffice to sow, but here I will confute him with a wet finger. ἐν ὑγροῖς. For he seemes to sow upon the waters. This is he whom the *Elzevirii* printed at *Leyden Anno 1635* under the name of *Postellus* who was sometime a Professor of Tongues in *France*, and author of the Treatise *de Magistratibus Atheniensium*. Equites were such as were of ability to keep an horse, or had the quantitie of three hundred measures in dry, & as many in wet: called likewise Ἰππάδα τελευτήεις, Zeugita, were such as could of wet and dry in all make but three hundred. Any of these three could beare office in the Commonwealth. A fourth ranck which he called Θήτας, Thetas, <sup>e</sup> <sup>e</sup> Plutarch, lo- name from servilitie, which had no power in the rule of the <sup>co prædicto.</sup> weale publique. But it had not beene amisse if I had shewne how the *Egyptians* had divided their people into three classes as the *Athenians* did, as I have spoken above. For the first degree or *Eupatridæ* addicted to learning and studie, who were had in greater honour, answer to the *Egyptian* Priests. Nay those great houses in *Athens* had Priesthood by succession, as *Eumolpida*, *Ceryces*, *Cynida*. For out of the stocke were chosen Priests hence ἱερὰ ἑὼν ἐκ ἧν in *Demosthenes*. The <sup>f</sup> Plut. Thes. p. 8. l. 18. *Geomori* who had lands assigned to them for the maintenance <sup>g</sup> Pag. 741. num, 164. of the warre, are not dislike them in *Egypt* who hold possessions on these tearmes, namely to provide souldiers when need shall require to fight. The *Demiurgi* resemble those Plebeians who skilfull in some art, did set out their labour to daily hire: as *Diodorus Siculus* can testifie.

## CAP. V.

Tribus quatuor sub Cecrope mutata earum nomina. Augentur à Clisthene: dua addita. Φρατρία. Φράτορες. Τετλις. Γένθ. Tribulum Κοινωνία Φυλεπικά δειπνα, φρατρικά.

**I**N Athens there were but foure Tribes under the rule of Cecrops. Cecropis, Antiochon, Αττα, Paralia; which had other names put to them, Cranais, Atthis, Mesogaa, Diacris. I suppose from the parts of Attica, it lying partly neere the sea, thence Αττα, partly hilly, thence Diacris, partly Mediterrane, thence Mesogaa, the other name from the King that was then; whether the King would honour the Tribe so much, or the Tribe glory in the name of the King, I knowe not. It is probable that it was an honour to their governour, for as Cecrops gaue the first names, Cranais the second, each assnming a title to himselfe, Erichonius called them after the name of Iupiter, Pallas, Neptune, Vulcan. Διός. Αθωνάϊς. Ποσειδωνιάς. Ηφαιστιάς. But when Ion came to rule they were named after his foure sonnes, Geleontes, Egicoreis, Argades, Hopletes, as <sup>a</sup> Herodotus and <sup>b</sup> Euripides. though Plutarch sayes that they were so called <sup>c</sup> ἀπὸ τῶν ἡρώων, εἰς ἃ ἐνηρέθησαν οἱ βίαι τὸ πρῶτον, from the courses of life which they first tooke. But Clisthenes a man factious and wealthy is said by the Councill of <sup>d</sup> Apollo, Alcmaeon being Archon to make tenne of them, changing the ancient titles, and taking new from some Demi-gods or Heroes borne in that land all, except Ajax, whom though a stranger, he put to the rest, as a neighbour and companion. <sup>e</sup> Herodotus. These then were called ἐπώνυμοι; as you would say giving names; the word so signifies sometimes, as Minerva is said by Dion Chrysostom ἐπώνυμος Αθωνῶν, who gaue the name to Athens. To these were erected Satues nere the Councill place of the Senate. Their names are these as

<sup>a</sup> In Terpsic.

p. 137.

<sup>b</sup> In Ione versus finem.

<sup>c</sup> In Solon. p. 65.

<sup>d</sup> Aristides T.

1. p. 336. A. T.

3. p. 352.

<sup>e</sup> In Terpsic.

p. 137.

<sup>f</sup> In Att. p. 4. 5

<sup>f</sup> Pausanias hath them. Hippothoon, Antiochus, Ajax Telamoni-  
nius

nus, Leo, Erethens that slew Immaradus the sonne of Eumolpus in the Eleusinian war, Ægeus, Oeneus, Acamas, Cecrops, Pandion. From these Ἰσποδοοπίς, Ἀντιόχης, Αἰαντίς, Λεοντίς, Οἰωνίς, Ἀγαυῆς, Κεχροπίς, Πανδονίς. To which they put two more, one called after Antigonus, the other after Demetrius his name, in gratuitie to them for the favours received; which in proceffe of time they changed into Attalis, and Ptolemas, as Stephanus writes, διὰ τῶν ἐπωνύμων εὐερστῆθ' ἑντες βασιλέων, having beene curteously entreated by the \* Kings bearing that name.

Which being so, let us take heed that Livie deceave us not, who at the time, when Attalus did succour the Athenians against Philip, sayes they first thought of adding that Tribe to the tenne, in thanksgiving that the Rhodii rescued foure fighting ships of the Athenians taken by the Macedonians, and sent them home, <sup>a</sup> *Tim primum mentio illata de tribu quam Attalida appellarent, ad decem veteres tribus addenda.* Thus

\* These are reckoned among the Eponymos in Paus. p. 5. who had Statues likewise. a Decad. 4. l. 1 p. 6.

haue we seene that there were twelue Tribes in all, Let us look back to the first institution. I suppose they were first ordained for the better administration of civill goverment.

b *Eustathius* writes that they were divided in imitation of the yeare, The foure Tribes according to the foure quarters; each Tribe into three Fraternities, which they call *τριτύς* or *φρατρία* answerable to the twelue Moneths, each *φρατρία* or *τριτύς* into thirtie *φύα* or kindreds equalising the daies. For so many only had the yeare of old. Witnesse the Ridle of c *Cleobulus* concerning the yeare,

b In Il. b. pag. 181. c Laertius, p. 63. l. 1.

Εἷς πατήρ, παῖδες δ' δώδεκα τῶν δ' ἑκάστω.  
 Παῖδες τεύκονται, δαύδιχα εἶδος ἔχουσι.

One Father had twelue Sonnes, and each sonne thirty daughters, and every daughter black and white, meaning daies and nights. Over these were governours *φυλοβασιλεῖς*, Kings of the Tribes, who sate upon controversies betweene party and party of their owne Tribes. Each Tertian also had his overseer called, *Τριτύαρχος* the Ruler of the *Trittys* or *Phratria*. The word may seeme to signifie a Societie, fellowship, or

Company. It skills not whether you deriue it from φαρία, as *Eustath*, or παρία, as *Suidas*, or φρέαρ, as others, which is a Well, because they drew water from the same well. For the place being scanty of Springs where *Athens* was founded, there being but one well-spring in *Athens*, they were constrained to use φρέασι ποτινωίς, digged wells, as <sup>d</sup> *Plutarch*. φρέατες are the men of that societie, called by *Tully*, *Curiales*, of the same Ward, (speaking of *Cimon*, who gaue command that his seruants should afford what they had if any *Laciades* should come into his Farme. In description of which thing *Plutarch* uses συνόμις, which then wee are not to interpret (*Curialis*, For this is as much as συγγενής and συμφυλέτης) but popularis. These at festivall daies in *Athens* met in a place called *Phratrion*, as <sup>a</sup> *Eustathius* obserues, & <sup>b</sup> *Pollux* (where they brought their children to be engrossed in their books, as shall be hereafter spoken with the reasons thereof) φρατείζειν, *Phratrizein* from hence comes which is τὸ εἰς φρατείαν συνίεναι, to meet, for so *Eustathius* in another place εἰς τὰ τὸ συνίεναι. As for the γένη, or kindreds wee must not think that they were of one blood; but from that neere conjunction which they had each with other being admitted into this societie. γένει μ. (every γένος or kindred consisted of thirtie, whence they were named τριακάδης) ἢ περιήκοντες, ἐκ τῆς σὺνόδου ἔτι προσαρπιδόωνοι. Not of affinity so called, but for their Synod; which the Grammarians call σύστημα κοινωνικόν, a Communicatiue familiarity, κοινωνία being a participating in one thing, or having an equall share in the same priviledges. Great was their care of each other; great was their mutuall loue; which that it might continue, *Solon* their Law-giver ordained certaine feasts to be provided, wherein they should kindly entertaine each other. δείπνα φυλετικά, and φρατικά. <sup>b</sup> *Athenaus*. τῶν δὲ γυναικῶν δεῖπνων, προσεταξάντες οἱ νομοδότης τὰ τε φυλετικά δείπνα καὶ τὰ δημοτικά προσέταξαν ἐπὶ τῆς τῶν δειπνῶν καὶ τῶν φρατικῶν, &c. Of feasts celebrated at this day the Law-makers haue appointed *Phyletica* for Tribes, *Demotica* for the people or popular, Moreover

<sup>d</sup> In Solone p.  
65. l. 33.

<sup>a</sup> Iliad. β. pag.  
181. & 111.  
pag. 629.  
<sup>b</sup> Lib. 3. c. 4.

<sup>b</sup> Dipnosoph.  
1. s. p. 185. d.



Moreover *Thiasos* for Colledges (as Philosophers for the death of their Grand Masters) and *Phratrica* for the same Ward. Hence *ἑσιάζειν πρὸς φίλῳ* and *ἑσιάζειν πρὸς θεοῖς*. Of which in due time. The reason of this the *Dipsosophist* giues, saying that wine hath *ἐλκυστικόν τι πρὸς φιλίαν*, an attractiue and perswading force to procure loue, and friendship.

CAP. VI.

*Græcia vicatim habitata. Δῆμος quid? Atheniensibus proprium habere δῆμος. Quot? Tempia & sacra pagatim.*

ALL Greece was inhabited *κτῆ κώμας*, as *Thucydides* <sup>c Lib. 1.</sup> speaks, by Villages before there were any Townes; from whence comes the word *Comœdie*. <sup>d Donat. in Pref. in Ter.</sup> *At verò nondum coactis in urbem Atheniensibus, cum Apollini Nomio, id est, Pastorum vicinorumq; præsidi Deo, constructis aris in honorem diuina rei circum Attica vicos, villas, & compita festum carmen solenniter cantarent: orta est Comœdia ἀπὸ τῶ κωμάζειν κτῆ ἀδειν:* quod est, commessatum ire cantantes. The Athenians being as yet not gathered into Corporations, when they sung sacred hymnes to *Apollo Nomios*, that is, the President of the sheeheardes and neighbours, about the villages, houses and crosse waies of *Attica*, alters being built in honour of the celebrity, sprung up a *Comœdie* ἀπὸ τῶ κωμάζειν κτῆ ἀδειν from revelling and singing. Others will haue it derived from an ancient custome they had, when any were injured among them, for the party wronged to come to the street where the offender lived, and in the night time to cry aloud <sup>a Thomas Magister.</sup> *ὦ δεινὰ ἀδικεῖ, κτῆ τὰ τὰ πρὸς τῆς, θεῶν ὄντων κτῆ νόμων.* Such a one doth wrong, and commits such and such outrages, although there be Gods and Laws, by which, these abuses were reformed. But the *Anonymus* in a preface to *Aristophanes* saies *μη κώμας καλεῖται ἡ δὲ Ἀθωαίσις, ἀλλὰ δῆμος*, that they were not called *κώμας* of villages by the Athenians, but *δῆμος* which they translate

state *Populos*, better in my minde oppida or Townes. Cicero  
*b. Lib. 7. Ep. 3 ad b Atticum. Venio ad Piræa in quo magis reprehendendus*  
*sum, quod homo Romanus Piræa scripserim, non Piræum ( sic*  
*enim omnes nostri locuti sunt ) quàm quod M addiderim. Non*  
*enim hoc ut oppido præposui, sed ut loco: & tamen Dionysius no-*  
*ster, qui est nobiscum, & Nicias Cous, non rebatur oppidum esse*  
*Piræa, sed de eo videro. Nostrum quidem si est peccatum, in eo*  
*est, quod non ut de oppido locutus sum, sed ut de loco: secutusq;*  
*sum non dico Cecilium, Mane ut ex portu in Piræum ( malus*  
*enim auctor Latinitatis est ) sed Terentium cuius fabella prop-*  
*ter elegantiam sermonis putabantur à Caio Lelio scribi. Heri*  
*aliquot adolescentuli coimus in Piræum, & idem, Mercator*  
*hoc addebat captam de Sunio. Quod si δήμους oppida volumus*  
*esse, tam est oppidum Sunium quam Piræus. If so bee we will*  
*haue δήμους to bee Townes, Sunium as well as Piræus is a*  
*c Atticis p. 30 Towne. These were formerly kingdoms as c Pausanias te-*  
*1.42. stifies. Τέτραται ὃ δήμοι, καὶ ἐν τοῖς δήμοις πάντα πολλὰ, ὡς καὶ*  
*πρὸ τῶ ἀρχῆς βασιλεύοντο τὸ Κέροπθ. Moreover I haue writ-*  
*ten, that some of the townes were governed by a King be-*  
*fore the raigne of Cecrops. And no marvell, for some of them*  
*d In Panath. farre surpassed other Cities, as Aristides affirmeth. These*  
*T. 1. p. 326. were most peculiar to the Athenians, anciently called ναυκλά-*  
*e Nub. pag. εῖοι, as e Aristoph. Schol. or Ναυκλείοι, as f Pollux, twelue belon-*  
*225. c. ging to every Tribe. But Clisthenes changed them into δήμους,*  
*f L. 8. p. 430. as out of Aristotle the Schol. of Aristoph. The number of*  
*g In Il. b. pag. them is, as g Eustathius out of Strabo, and h Casaubon, an hun-*  
*215. dred seaventie foure. Some whereof having the same name*  
*h in Athenæ- are distinguished according to their situations κατὰ μέρος and*  
*um. l. 6. c. 9. κατὰ ἐπέμειν, as we may say the upper and the lower Wakefield,*  
*z Pausan. Att &c. All of them are divided into Greater and Lesser. The*  
*pag. 30. ἰ μικρὰ or lesse are these. Alimusi, Zoster, Prospaltii, Ana-*  
*gyrasii, Cephale, Prasieis, Lampreis, Phlyeis, Myrrinusi,*  
*Athmoneis, Acharne, Marathon, Brauron, Rhamnus. The*  
*rest were greater. Take them promiscuous according to their*  
*Tribes.*

ΚΕΚΟΠΙΣ.

Λιξώνη. Δυδαλίδα. Επιείδα. Ζυπέτη. Πίδος. Συπαλητής.  
 Τριμεύς. Αθμονον ή Αθμονία. Αλα Λιξονίδες. Φλύα. Αχονε.  
*Dadalida, Eriecide, Xypete, Pithus, Sypalettus, Trinemei,*  
*Athmonon or Athmonia. Ala Achonides. Phlya.*

ΕΡΕΧΘΗΣ.

Αγρούλη ή Αγρύλη. Ευωνυμία ή Ευώνυμθ. Θήμακοι ή Θήμακος.  
 Κυφισία. Λαμπρά. Καδύπερθεν. Λαμπρά. Ξάνπερθεν ή παργίος.  
 Παμβωτάδα. Περγασή. Συβείδα. Φηγές. Αναγυρές. *Agraulé* or  
*Agryle. Eponymia* or *Eponymus. Themaci* or *Themacus. Ce-*  
*phisia. The upper Lampra. The lower Lampra, in which Sigo-*  
*nium erres calling one the maritimate, the other the inferior,*  
 which to be one and the same I have shewen above. *Pambo-*  
*tada. Pergase. Sybrida, Phegus, Anagyris.*

Πανδορίς.

Αγγλή. Κυδαθνώαιον. Κύθρον. Οά ή Οεις. Παιανία καδύπερ-  
 δεν. Παιανία Ξάνπερθεν. Πεζάλινδος. Στεκιά. Φηλαία. Μυρρίνές.  
*Angele, Cydatheneum. Cytharum. Oa* or *Oeis. the upper Pa-*  
*ania, the under Paania. Probalinthus, Stiria. Phega. Myr-*  
*rhinus.*

Αργή.

Αλα Αραφηνίδες. Αραφώ. Βατώ. Γαρδητός. Διομεία. Ερεχθία. Ερί-  
 κεια. Έχεια. Ικαρία ή Ικαειος. Κολυττός. Κυδαντίδα. Πλωθρά. Τι-  
 θεας. Φηλαία. Φιλάδα. Χολλίδα. *Ala Araphenides. Araphen.*  
*Bate. Gargettus. Dionea. Erecthia. Ericria. Echria. Icaria* or  
*Icarius. Ionida. Colyttus. Cydantida. Plothea. Tithras. Phe-*  
*gea. Philade. Chollida.*

Αγκιαντίς.

Αγνές. Εριείδα. Ερμός ή Ερμοί. Ηφαιστιάδα. Θεικος. Ιτία. Κί-  
 κωα. Σφητίς. Χολαργος Χολαργοι Χολαργία. Κεφαλή. Πρόσπαλτα.  
*Agnus. Erisida. Hermes* or *Hermi. Hephestiada. Thoricus.*  
*Itea. Cicyana. Sphettus. Cholargus Cholargi Cholargia. Ce-*  
*phale. Prospalta.*

Λεοντίς.

Αιδαλίδα. Αιδαλία. Αφίδια. Δεγάδες. Εκάλη. Ευπυρίδα. Κηττοί.

D

Κραγία.

Κρωπία Λακόνιον. Ὅσον Κεραμ. Παιονίδαί. Πήληκες. Ποταμός.  
 Σκαμβονίδαί. Σένιον. Τβα Τβάδαι. Φρέαρροι. Μαργαδών. Αλιμῆς.  
 Ethalida Ethalia. Aphidna. Dirades. Hecale. Syprada.  
 Cetti. Cropia. Leuconium. Oeum Ceramicum. Paonida. Pele-  
 ces. Potamus. Scambonida. Sunium. Hyba Hybada. Phrearrri.  
 Marathon. Alimus.

## Ιποδροντίς.

Αζωπία. Αμαξαίη. Ανάκαια. Αχερδῆς. Δεκέλεια. Ελαιδῆς Ε-  
 λαιῆς. Ελδῆς. Ερτιάδαι. Θυμοιλιάδαι. Κεραϊάδαι. Κορυδαλλός. Ὅσι-  
 ον Δεκέλ. Οινόη Ελδῆ. Σφενδάλη. Αξενία. Αμαχαντεα. Ανα-  
 καα. Acherdus. Decelia. Eleus. Eleusis. Eraada. Thy-  
 matada. Ceriada. Corydallus. Oeum Decelicum. Oeum ad  
 Eleutheras. Sphendale.

## Ανποχίς.

Αιγλία ἢ Αιγλος. Αλωπική Αλωπικαί. Αμφίτροπή. Ανάφλυτος. Α-  
 πλῆ ἢ Απλώια. Βήσα. Θοραί. Κεῖωα. Λαχοπέρα. Μελαινῆς ἢ Μέλαι-  
 ναι. Παλλίη. Πεντίλε. Σημαχίδαί. Φάληρον. Egilia or Egi-  
 lus. Alopece or Alopeca. Amphitrope. Anaphlystus. Atene or  
 Atenia. Bessa. Thora. Criôa. Leucopyra. Melencis or Mela-  
 na. Pallene. Pentele. Semachida. Phalerum.

## Αιαντίς.

Οινόη Μαργαδ. Τιτακίδαί. Τεϊκίρυδος. Ραμνῆς. Oenoe at Ma-  
 rathon. Titacida. Tricorythus. Rhamnus. Of this Tribe were  
 some townes takē away & put to other, Aphydna, Persida, &c.

## Οινῆς.

Βέλεια, Βυλαίδαι. Επικηφισία. Θρία ἢ Θρίω. Ιπποτουμάδαι. Λακία,  
 Λακιάδαι. Λασιά. Μελίτη. Οη ἢ Ὅμη. Πειδοίδαι. Πτελέα. Φυλή.  
 Αχαρνα. Τυρμίδαί. Βυτεα, Βυταδα. Epicerphisia. Thria or Thrio.  
 Hipprotomada. Lacia, Laciada. Lusia. Melite. Οε or Εα. Pe-  
 rithada. Ptelea. Phyle. Acharna. Tyrmida.

## Πολεμῆς.

Βερενικίδαί. Θυργονίδαί. Beronicida. Thyrgonida. Κοιθῦλη.  
 Conthyle.

## Απλαις.

Απολωνίῆς. Apollonienses. These are all which authors  
 make

make mention of according to their Tribes, others there are, which I know not how to distribute, none of the antients either directing or furnishing me. But these are they. *Agra. Anchesmus. Amphide. Archilia. Astypalaa. Atalanta. Achradius. Belbina. Brauron. Brilessus. Enna. Echelida. Zoster. Thrion. Cale. Ceda. Cothocida. Coele. Cynosarges. Ceramicus* without the citty the same with *Academia. Laurium. Lenaeum. Limne. Munychia. Parnes. Pnyx. Patroclus* his ditch or trench. *Scirum. Sporgilus. Hydrusa. Hymettus. Hysia. Phaura. Phormisii. Phrittij. Phoron. Chitone. Oropus.* To which are put the Ilands, called *Pharmacusa*, two in number, & *Psytalia*. The Scholiast of <sup>a</sup> *Aristophanes* speaks as if *Io* were a *Demus*, but I say not with him. The greatest use we have of these among authors, is in their forme of Law, matters of contracts, and the like, that there might be no fraud or deceite; that none either unjustly be taxed for any thing, or tax another. Hence read we such punctuall clauses in their writs. N. the son of N. dwelling at *Alopeca*, ἐν Κοίλῃς, ἐν Μελίτῃς. ἐν Κεραμείῳ, of *Cale*. of *Melite*. of *Cerameis*. In these villages were Temples of the Gods. <sup>b</sup> *Livie. Templagatim sacrata.* And againe. *Delubra sibi fuisse, quae quondam pagatim habitantes in parvis illis castellis viisq; consecrata, ne in unam quidem urbem contributi majores sui deserta reliquerint.* So much witnesseth <sup>c</sup> *Pausanias*; who tels us that they worshipped some peculiar Deity, and yet neverthelesse did *πρὸς Ἀθηνᾶν* <sup>77. l. 40.</sup> *ἀγεῖν ἐν πμῇ*, honour *Minerva*. Some of them had peculiar festivalls, as *Brauron* the solemnities *Brauronea*, to *Dianna*. *Diomea* to *Iupiter Diomeus*. *Chitonea* &c.

<sup>a</sup> In Rantis p.

235.

<sup>b</sup> Dec. 4. l. 1. p.

12, 13.

<sup>c</sup> In Atticis p.

77. l. 40.

## CAP. VIII.

Tyrannis. Ολιγαρχία. Δημοκρατία. Atheniensium status mutatio.  
 Ἰερῶν Σωτήρων Μέγας. Δέξ.

In Ctesiphontem p. 4.

The ancients had but three sorts of government, Tyrannis, Democratia, Oligarchia, as<sup>d</sup> *Æschines*, which *Polybius* calls βασιλείαν, αἰσοκρατίαν, δημοκρατίαν. where although the one names it a Tyrannis or Tyranny, the other βασιλεία the rule of a King, yet must we understand the same. For in old time all Kings were called Tyrants, as *Servius* on *Virgil* hath observed. A word taken up by the *Græcians* about the time of *Archilochus*, which neither *Homer*, nor *Hesiod* knew; and therefore are the Poets noted, as, ἴδον τι πεπονδότες, for calling the Kings, or βασιλεῖς before the *Troian* wars, Tyrants or Tyrannos. Βασιλεία or a Kingdome, is where obeifance is free, yeelded rather out of a good advice, then for feare or might. Αἰσοκρατία an Aristocratie, when most wise and just men are fitly chosen to sit at the Helme of the Weale publique. Δημοκρατία a Democratie, when the Lawes and customs of the Country in matters belonging both to Gods and men are truly observed, and that rules the rost, which shall be approved of by the greater part, τὸ δέξασθαι τοῖς πλείοσι saies *Polybius*; as that may be said at a banquet to please all, which doth relish well with the most. But the grave Historian hath observed changes in such government, as they use to be, inclining to the worst Monarchies being turned into Tyrannies; as when the people are led away by the perswasions of some pleasing<sup>a</sup> popular man, and are as it were, willingly constrained to take the yoke that his usurping authority shall lay on them, a Tyrant indeed said, <sup>b</sup> *Vi consecutus*, who gets it by violence, <sup>c</sup> *Omnes autem & habentur & dicuntur Tyranni, qui potestate sunt perpetua in ea civitate, qua libertatis*

<sup>a</sup> Aristot. l. Pol. l. 5. c. 4.

<sup>b</sup> Probus in Miltiade.

<sup>c</sup> Probus ibid. p. 17.

*bertate usa est.* But all are accounted and called Tyrants, who haue perpetuall authority in that Citie, which formerly hath enioyed liberty. The deprivation of which causing murmuring and rebellion, brings forth an *Aristocratie*, or government of the best men, such as are well brought up, and exercised in vertue. The end of an *Aristocratie* being, as <sup>d</sup> *Aristotle* <sup>d</sup> Pol. 1. 4. c. 9. hath it, *Vertue*, which of no long continuance doth soone degenerate, <sup>e</sup> *εις ὀλιγαρχίαν τραπέσις καὶ φύσιν*, naturally enclining to an *Oligarchie*, or rule of few. These few being chosen according to their riches. And because that many in a state cannot be wealthie, therefore the number of them cannot be great. These are great Lords and little Kings, whose power swaies all, and not the Lawes; who uniuersally favour those that are partially theirs, and oppresse them that would defend their libertie against them. All things being administred <sup>f</sup> *τοῖς* <sup>f</sup> *Æschines* in *ἑποῖς καὶ ἐφεσικότων*, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing *τοῖς καὶ πρὸς πρῶτων ἀδικίας*, the iniuries of their rulers. Hence comes in a *Democratie*, which *Sophocles* calls *ὅτι πῶς πλῆθει λόγον*, the power of a multitude; whose end is freedome; when all can equally partake of the same priviledges and immunities, who are true citizens: whence *Terence* stiles it *aquam libertatem*; for which the *Greeke Oratours* haue properly used the word *πολιτεία*, as <sup>g</sup> *Vlpian* obserueth. But the vulgar for the most part <sup>g</sup> In Demost. P 59. strangely insolent, prone to wrong, and ready to trespasse against the Lawes, bring in by a miserable proceeding, the worst kinde of government an *Ochlocratie*, the rule of Rascallitie. All these in their times did *Athens* feele, for they were governed by Kings foure hundred eightie seaven yeares: the last of which was *Codrus*, who in a fight between the *Dorienses* and *Athenians* offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorienses* should be conquerours unlesse the *Athenian King* were killed; he therefore clothing himselfe *famulari veste ne posset agnosci*, saies <sup>a</sup> *Cicero*, with a servants habit least he should bee <sup>a</sup> *Tusc. Q. 1. 3*

knowne, put himfelfe among the enimies, by one of which in a brawle he was murdered. After whom none enjoyed the name of King, <sup>b</sup> *quod memoria nominis eius tributum est*, which was done in memory to his name. For after that, *Archontes* or *Judges* ruled; in the Title *ἀρχοντες*, *Archontes*, but in power Kings, whose authority was for tearme of life. These continued three hundred and fifteene yeares. These being ended, it pleased the State to choose a man, whose office should continue but tenne yeares; seaven succeeded each other, & made up the number of seaventie yeares; who, because they abused their power, were made but for one yeare, called therefore <sup>c</sup> *annui Magistratus*, yearely Magistrates. These continued untill *Pisistratus*, for a fained feare of the seditious, begged a guard of the people for his safetic. For when the faction sprung up. Of which I haue spoken in the fourth Chapter, hee cutting himfelfe with lashes, and the Mules which drew his Chariot, went into the place of meeting, *ἀγορῶν*, and beseeching the people to afford him some defence against their violence, who did (but did not) assault him, procured a company of chosen Citizens who armed with clubs, not weapons, possessed the Castle, and so Tyranny came in, which *Pisistratus* enjoyed <sup>d</sup> thirtie yeares, and deceased, leaving behind him two sonnes, *Hipparchus*, and *Hippias*, whom *Heraclides* calls *Thessalus*. *Hipparchus* was slaine by *Aristogiton*, after whose death the *Athenians* lived under a tyranny <sup>e</sup> foure yeares, from which they were delivered by the help of the *Lacedamonians*, the offspring of *Alcmaeon* corrupting the Oracle, to the end that whensoever they came for counsell he should wish them to free the *Athenians* of that servitude. The *Democratie* came in eight hundred sixtie eight yeares after *Cecrops*, established by *Solon*, who excluded the fift ranke of plebeitie from office or honour by a law, afterwards abrogated by *Aristides*. After this *Pericles* brought in an *Ochlocratie* by weakning the power of the *Areopagites*. Then after the overtbrow in *Sicily*

<sup>b</sup> Justin. l. 2.

<sup>c</sup> Justin. l. 2.

<sup>d</sup> Heraclides  
in Pol.

<sup>e</sup> Herodotus  
l. 5. p. 135.



ly the *Τετρακόσιοι* or foure hundred took upon them state, de-  
 ceaving the people, as <sup>f</sup> *Aristotle* and <sup>g</sup> *Thucydides* affirme. <sup>f</sup> *Pol. l. c. 57.*  
 For perswading them that they should reconcile *Tissaphernes* <sup>g</sup> *Lib. 9.*  
 and *Alcibiades* unto themselves by that meanes, and that the  
 Persian Monarch would afford supply for the war, they most  
 willingly condescended to this motion in the one and twen-  
 tie yeare of the *Peloponnesian* warre. These Princes were cal-  
 led <sup>a</sup> *πεντακισχίλιοι, τετρακόσιοι ὄντες*, Five thousand, though <sup>a</sup> *Plat in Al-*  
 not exceeding foure hundred. The reason is, because they <sup>cyb. p. 148.</sup>  
 boasted that none should bee rewarded, but who bare armes;  
 nor any admitted to publique power but five thousand, such  
 as with person and estate could be beneficiall to the Repub-  
 lique. Their authority was granted by an <sup>b</sup> Act of the people, <sup>b</sup> *Xen. EM. 8.*  
 to which *Theramenes* was very forward; but after they were <sup>274. l. 38.</sup>  
 inducted none more ready to driue out; whereupon they ter-  
 med him *κόδορον* *Cothurnum*, from a kinde of start-up which  
 did fit both feet. *κὺ γὰρ ὁ κόδορον ἀρμόττειν μὲν τοῖς ποσσὶν ἀμφο-*  
*τέρους δοκεῖ.* The word may sute with a Iack of both sides. <sup>c</sup> *Xen. p. 275.*  
 These *Τετρακόσιοι* were constrained for feare of <sup>d</sup> *Alcibiades* <sup>d</sup> *Iustin. l. 5.*  
 to resigne the right unto the people, and to goe into wilfull  
 banishment. But when *Lysander* had overcome *Athens* (the  
<sup>e</sup> *Lacedemonians* ever affecting an *Oligarchie*, as the *Atheni-* <sup>e</sup> *Arist. Pol. l.*  
<sup>a</sup> *Democratie*) he ordained these thirtie to be chiefe. <sup>f</sup> *Pol.* <sup>5. c. 7.</sup>  
*Lyarches, Critias, Melobius, Hippolochus, Euclides, Hiero,* <sup>f</sup> *Xen EM. 8.*  
*Mnesilochus, Chremo, Theramenes, Aresias, Diocles, Phædrias,* <sup>p. 270.</sup>  
*Cherileos, Anatinus, Pifo, Sophocles, Eratosthenes, Charicles, O-*  
*nomocles, Theognis, Æschines, Theogenes, Cleomedes, Erasi-*  
*stratus, Phido, Dracontides, Eumathes, Aristoteles, Hippoma-*  
*chus, Mnesithides.* These began at first to put to death the  
 worst and most abhorred, saies <sup>g</sup> *Salust*, without triall of law; <sup>g</sup> *In Catil.*  
 but afterwards the good and bad alike; <sup>h</sup> some for envie, o- <sup>Consp.</sup>  
 thers for riches. These to make their partie firme chose a- <sup>h</sup> *Xen. p. 272.*  
 bout three thousand to whom alone they permitted to haue  
 weapons, disarming all the rest, to the end they might easily  
 command their lives. But by their lawes (for they made  
 some

i Xen. p. 275. some, stiled *ἰγυνοὶ ῥόμοι*, which were nullified by a decree, as we shall speake hereafter) none was to suffer *ἐν τῷ καταλόγῳ*, who was registred in the list of three thousand. So cruell  
 h Dem. p. 467 were they, that the people fled into <sup>k</sup> *Phyle* a castle in the Athenian borders; and making an head, under the conduct of *Thrasylbulus*, at last shook off this yoke, and remained free untill the death of *Alexander* even fourescore yeares, whom *Antipater* succeeded; who in battle at the Citie *Lamia* gaue the Athenians an overthrow; and gaue them quarters on these termes that they should submit to a few *Peeres*, whose revenues amounted to two thousand *Drachm'es* at least, the chief of whō was *Demetrius Phalareus*; that they should likewise receave a garrison into *Munychia* for the asswaging of riots and uproares. But foure yeares after, *Antipater* dying, the Citie fell into the power of *Cassander*, of whom they often stroue to acquit themselues. But in vaine. For he brought them to such an exigencie, that they were glad to come to composition. And indeed he dealt fairely with them, giving them their Citie, Territories, Tributes, and all other things, so that they would be confederates to him, that none, whose revenewes come not to tenne *mine* or pounds, should undergoe any function in the Common-weale; and hee should bee their overseer whom he would be pleased to nominate. The  
 man appointed was *Demetrius Phalareus*, <sup>a</sup> who made the Citie to shine in her full lustre, insomuch that they erected in honour of him three hundred Statues. He wrote a Treatise of the *Athenian Republique*, which had not time devoured, would heue given no small light to my poore endeavours. After he in trouble and vexation had spent foureteene yeares he was put out by *Demetrius* the sonne of *Antigonus* surnamed *Poliorcetes*, who restored the ancient customes to them againe. To him they ascribed such worship, as also to his father, that they changed the name of their *Iudge* from *Archons* into <sup>b</sup> *Σωτήρων Ἱερεῖα* The Priest of the Gods that saved them, calling the yeare after his name, and adding <sup>\*</sup> two Tribes to the

a Vide Laert. in vita, & Strabonem.

b P. in Demetrio.

\* Pollux, l. 8.

the Tenne, whence the Senate consisted of six hundred, but  
 five before, as <sup>c</sup> *Stephanus*, But when *Cassander* had over-  
 throwne the sonne and father, such was the ingratitude and  
 levitie of the *Athenians*, that they forbad *Demetrius* to ap-  
 proach nere their City. After this *Lacharis* plaid the Tyrant,  
 and was expelled by *Demetrius*; whom they utterly cast off,  
 assuming againe the title of *Archon*. *Demetrius* dying *Anti-*  
*gonus Gonatas* succeeded, who in the nineteenth yeare of his  
 reigne put in presidarie souldiers to the Citie, which tenne  
 yeares after he tooke out. The *Macedonians* still kept some of  
 the *Athenians* forces in this space. *Demetrius Antigonus Gon.*  
*F. & Antigonus Doson*, out of whose hands <sup>d</sup> *Aratus* the *Sicy-*  
*onian* rescued the Citie, and made it stand by it selfe untill  
*Philip*, the last king of the *Macedonian Monarchy* except one,  
 did somewhat shake it, as you may read in <sup>e</sup> *Livie*. But he was  
 expelled by the *Romans*, who tooke the *Athenians* into  
 league; with a maintaining of their ancient right. So they re-  
 mained untill the warre betweene *Mithridates* and the *Ro-*  
*mans*. For by feare they were driven to receaue <sup>f</sup> *Archestra-*  
*tus*, *Mithridates* his Generall, within their walls; against  
 which *Sylla* laid siege, and captivated the City, whence pro-  
 ceeded <sup>g</sup> *αἰετὸς Σφαγὴ*, a mercilesse slaughter, saies *Appian*,  
 that the streets did runne with blood. But the Lawes were  
 not much altered by this Conquerour; and therefore they li-  
 ved in a neere resemblance of their former state; in favour  
 with the *Roman Emperours*. *Julius Caesar*, *Adrian*, *Antonius*,  
*Gallienus*, in whose successours time, *Claudius*, the second of  
 that name, this City was ransacked by the *Gothes*, who when  
 they had heaped up innumerable companies of bookes to  
 burne; were dehorted by this reason, <sup>a</sup> that the *Greekes*, *spen-*  
*ding their time in reading of them; might be made more unfit for*  
*war*. *Constantine* the *Great* likewise had this City in high  
 esteeme, taking to himselfe the Title of *Στρατηγὸς Ἀθηνῶν*, as  
<sup>b</sup> *Julian* saies, which in the words of *Nicephorus Gregoras* is  
<sup>c</sup> τὸ τῆς μεγάλης Δουκῆς (ὄνομα) the *Grand Duke*, whom simply af-  
 E terwards

<sup>c</sup>In *Berenice*.

<sup>d</sup>*Plut. in vita.*

<sup>e</sup> *Decad. 4. l. 1.*

<sup>f</sup> *Vide Appi-  
anum Alex. in  
Mithridatico,  
circa pag. 122  
123. &c.  
g Plut. in vita  
p. 335.*

<sup>a</sup> *Cedrenus  
Baptista Eg-  
natus. Rom.  
Prin. l. 1.*

<sup>b</sup> *In Oratione  
Constantium  
c Hist. Rom.  
l. 7. p. 166.*

Hist. Rom.  
l. 7. p. 167.

e Nic. Greg.  
lib. cita.

f Calcochon.

καλιχωνες

ἐν Ναβάρους

\* In the time  
of Pietro Za-  
ni came Am-  
bassadors from  
Athens to doe  
homage to the  
Venetian Se-  
nate. M. Leu-  
kenor in histo-  
ry and liues of  
the Venetian  
Princes.

g Chalcocon.  
l. 9. p. 259.

wards they called the <sup>d</sup> Duke of Athens, in that Historians time. Emperours haue taken them wiues citizens of this place; and the <sup>e</sup> daughters of their Dukes haue beene desired by that eminent ranke. And indeed no marvell. For they were potent. *Rainerius Acciajolus* is said to haue taken the Citie from the Spaniards that inhabit Arragon, εἶπον δὲ ἃς καλιχωνες πατρὶς ἐν Ἰβηρίας; who having no issue male of his wife *Eubois* but an illegitimate named *Antonius*, by another woman, bequeathed by will *Bœotia* and *Thebes* to him, but *Athens* to the \* *Venetians*, from whom his sonne recovered it againe. *Nerius* succeeded him in the Dukedome who thrust out *Chalcocondylas* his father. After him came in *Antonius Nerius* brother to the former *Nerius*. Now about this time wee must knowe that *Mahomet* the sonne of *Amurat* the second got *Athens*, & whose beauty and building hee held in admiration; which when he had made his owne, he continued the Title. For another *Nerius* from those aboue named dying, leaving one sonne an infant, his mother in the childs Title exercised Tyranny. This woman loved a *Venetian* Noble man (sonne to *Petrus, Palmerius*, to whose goverment the Citie *Nauplium* was committed, he is called by *Chalcocondylas Priamus*) who came thither for merchandize. Him by discourse and flattery shee intised into her loue, promising that shee would take him to her husband, and giue up the Princesdome of *Athens* unto him. But upon condition, that hee would divorce his owne wife. Whereupon the young man going to *Venice* slew his wife, swelling with ambition and thirstie of honour. Which being done, hee returnes to *Athens*, marries this woman, enioyes the goverment of the Citie; who being hated of the *Athenians*, and complained of at the Court, to avoid envy termed himselfe the *Childes Tutor*. And not long after taking the boy with him, went to the Court; where *Francus Acciajolus* waited, expecting to be promoted to the Dukedome. When the Emperour therefore understood the folly of the woman, he gaue the title to him. Who being enstalled, imprisoned

prisoned the woman at *Megara*, and afterwards (by meanes  
not knowne to the <sup>a</sup> Author) slew her. This *Francus* in time <sup>a</sup> Chalcocon.  
was taken away from men by *Zogan* governour of *Pe-* P.300.  
*loponnesus*, *Mahomet* having intelligence that  
the *Athenians* would haue delivered  
the Citie to the Prince of *Bœo-*  
*ria*. Hee was the  
last Duke.

E 2

LIB.





# LIBER SECVNDVS.

## CAP. I.

*Duodecim Dii Atheniensium Idololatria septifariam commissa. Dii Adscriptitii. Θεοὶ Ἀγῶστος.*

<sup>a</sup> Pag. 48.

<sup>b</sup> In Tractu  
περὶ Ἡεροδότη  
κακοῦ θείας.  
p. 669.

<sup>c</sup> Sch. Eurip.  
in Alcest. pag.  
661.

<sup>d</sup> Ζωναρ. ἰστορ.  
in Stel. 1.  
<sup>e</sup> Pag. 260.

<sup>f</sup> P. 281.



*Herodotus* in <sup>a</sup> *Terpsichore* is of opinion that the Greekes derived their religion from the *Aegyptians*. But <sup>b</sup> *Plutarch* doth stoutly deny it. And not without good testimonie may I affirme that it seemes to bee a falsitie. For *Orpheus* is thought to haue brought the mysteries of piety into *Greece*; who was himself a *Thracian*, from whom the word <sup>c</sup> *θεοσκεία* is supposed to be drawne, which signifies devotion. Τὸ ἐν τῷ πᾶσι θεὸς ἐκάλεισαν θεοσκείαν, ὡς Θρακίας ἕστις τῆς εὐρέσεως, saies <sup>d</sup> *Nonnus*. They called *θεοσκείαν*, to worship God, &c. Appositely to which <sup>e</sup> *Aristophanes* in *Balescholis*.

Ὁρφεὺς μὴ γὰρ τελετὰς θ' ἡμῶν κατέδειξε, φόνων τ' ἀπέχεσθαι.  
*Orpheus shewed us sacrifices and to abstaine from slaughter. Neither is* <sup>f</sup> *Euripides* disagreeing in *Rheso*.

Μυστηρίων τε τῶν ἀπορρήτων θανάτων.

Ἐδείξεν Ὁρφεὺς --- *Orpheus revealed the hidden mysteries. Herodotus* names not the Gods, the worship of Whō the Greekes might borrow from the *Aegyptians*; Twelue in number

number they were, quoth he, but these only are reckoned. *Jupiter. Bacchus. Hercules. Apollo. Mars. Pan. Diana. Isis or Ceres. Sais or Minerva. Latona.* as I have gathered, which all at once to have beene made knowne to the *Greekes*, and that by the *Egyptians* is too hard a taske for me to proue. The *Athenians* I am sure had twelue Gods in especiall honour, whose 8 pictures they had drawne out in a Gallery in *Ceramicus*; and had an Altar erected, called <sup>h</sup> *Βωμὸς τῶν δωδεκαθεῶν* <sup>h</sup> *Plut. in Nicia. pag. 387.* on which a little before the *Sicilian war*, a man disembred himselfe with a stone; which was accounted prodigious. By these twelue would they swear in common discourse. <sup>i</sup> *Μὰ τῶν δωδεκαθεῶν*. The heathens thinking that they did honour those Gods, by whom they sware; as I have elsewhere spoken. But they were not confined to so small a number as twelue. For how could it be, when they ran through the seaven sorts of Idolatrie? First worshipping the Sunne, & punishing with death the neglect thereof; as you may read in <sup>l</sup> *Plutarch* in the life of *Pericles*. Secondly, deifying the effects of God, as bread, &c. For *Clemens Alexandrinus* interprets *Διὸς*, *Ceres*, <sup>τὸ σῖτον</sup>, corne or food. Thirdly the poetical Gods, *Furies*, and revengers of wickednesse, as *Alastores*, *Palampai*. Fourthly, the Passions, as *Loue*, *Pittie*. *Iniurie* likewise and *Impudence*, to whom *Epimenides* built an Altar at *Athens*. Fiftly the accidents of growth and nourishment, hence *Anxo*, and *Thallo* two deities, *αἰξάνειν*, to increase, and *δάλλειν* to flourish; to which may be put *Clotho*, *Lachesis*, and *Atropas*, the three fatall sisters, and *Εὐδαιμόνεια*, *Necessitie*, taken sometime for death it selfe. 6<sup>ly</sup>, the *Theogonie* or pedigree of their Gods, able to make up the summe of which *Homer* speaks. *Τεῖς δὲ μύησι*, &c. Three thousand. Seaventhly an ignorance of the providence and bountie of God toward them, fained *Hercules* the repeller of evill, and *Esculapius* the God of Physick. And if this serue not, I can adde an eighth way, namely, hospitality and good entertainment of strange Gods. *Ἀδύνητοι δ' ὄπισθε αἰεὶ τὰ ἄλλα φιλοξενήτες διατελοῦσι, ἕως*

<sup>a</sup> Pag. 471. *ἡ δὲ τῶν Θεῶν*, saies <sup>a</sup> *Strabo*, as the Athenians loue forrai-  
<sup>b</sup> In Panath. T. 1. p. 188. *Θεῶν*, &c. <sup>b</sup> *Aristides*. For they serue not only the most anci-  
<sup>c</sup> Strab. p. 587 ent Deities, in a peculiar manner aboue all their followers,  
<sup>d</sup> Act. Apost. c. 17. v. 18. but haue assumed adventitious ones; such as <sup>c</sup> *Orthane*, *Conis-*  
<sup>e</sup> In Attic. p. 1. l. 35. *salus*, and *Tychon*. So prone were they to conceaue superstiti-  
<sup>f</sup> Vide Eurip. Sch. in Med. p. 482. on, that when <sup>d</sup> *Paul* preached *Jesus* and the resurrection of the  
<sup>g</sup> Pag. 137. dead; they forthwith deemed *Anastasin*, or resurrection to be  
a God. And least they should omit any, they erected Altars  
to the unknowne Gods, of which <sup>e</sup> *Pausanias*. Neither may  
we doubt of it, the scripture bearing witnesse. The cause of  
this they say to be a fearefull vision appearing to *Philippides*,  
sent Ambassador to the *Lacedamonians* concerning aid against  
the *Persians*, and complaining that he (<sup>f</sup> *Pan*, from whom *πα-*  
*νιδν* a *spectrum*) was neglected and other Gods worshipped;  
promising likewise his help, they therefore being victorious,  
and fearing the like event, built a Temple, and Altar TO THE  
UNKNOWN GOD. Another opinion is, that a plague  
being at *Athens* hot, and the people finding no help from the  
Gods they implored, surmising some other power to haue  
sent the disease, whereupon they set up this Altar, on which  
was written ΘΕΟΙΣ Ασίας ἡ Ευρώπης ἡ Αἰθίως, Θεῶ Αἰγύπτου  
ἡ Ἰέρον. TO THE GODS OF ASIA, EUROPE,  
AND AFRICA, TO THE UNKNOWN AND  
STRANGE GOD. As *Iustinus Martyr* and *Oecumenius*.  
Much may be said of their Tutelar Gods, both for their Ci-  
ties and houses, much of their *Heroes* or *Demigods*. We will  
view them in order.



CAP. II.

*Iupiter* Βασιλ᾽ς. Νέμιος. Ἰκέπιος. Πολιῆχος. Βυλαῖος. Φερίπειος. Φίλιος. Ουβύγιος κατωβάτης. Ἐρκίος. Ἀρροῖος. Ξένιος. *Moldis salis edendi, Tesseræ hospitalis seu Symbolum. Apollo* ὑπὸ ὕπαιτος. παλῆος. Ἀλξίνακος. Θυραῖος. *Pæan, & eiusdem verbi origo. Mercurius* Παλιγυγάπλος. Βεῖνιος. Σφραῖος. Πεγπύλαιος.

**A**Boue other of their Gods *Iupiter* was had in high esteeme. And that commanded by the Oracle. For when the *Athenians* were bidden to dissolue their kingdomes, they were charged to make choice of *Iupiter*, <sup>a</sup> *θεσιόσαυα ἢ Δία* <sup>a</sup> *Sch. Aristop.* Βασιλέα. And so by <sup>b</sup> *Aristophanes* he is called Ζεὺς Βασιλ᾽ς. <sup>p</sup> 122. Him they worshipped as *President of Law and Justice*, under the name of *Iupiter* <sup>c</sup> *Nemius* (different from that of *Corinth* named Νέμειος) Him as *God of supplicants*, hence <sup>d</sup> *Ἰκέπιος*, Him as *Protector of Cities*, hence *πολιῆχος*. Him as *Governour and director of their counsells*, hence *βυλαῖος*. Him as *chiefe of their Societies*, hence *φερίπειος*, and of their friendship too, hence *φίλιος*; and of kindred likewise, hence *ουβύγιος*. To him they ascribed *Thunder*, hence <sup>e</sup> *Ζεὺς κατωβάτης*, as much as comming downe in thunder. To him they thankfully acknowledged their delivery from the *Persians*, wrought by *Themistocles*, hence <sup>f</sup> *ελαδέειος*. Him they confessed the greatest of all, hence <sup>g</sup> *ὑπαιτος*: Him the overseer of their buying and selling, hence <sup>h</sup> *αρροῖος*. To him stood an Altar sacred in the courts of their houses, hence *Iupiter Hercæus*, feom <sup>i</sup> *ἔρκος* a wall, as if hee were the watch and defender of the house. *Phavorinus*. *Ἐρκίος* <sup>vib. p. 626.</sup> Διὸς βωμὸς ἔξω πρὸς τὴν ἀπὸ τῶν ἀλλοτρίων ἀθροῖος ἐστὶν, ὁ καλεῖται ἐν τῷ ἔδυσσιν <sup>f</sup> *Plut. & Paul.* Διὶ ἐφθρα τῶν ἔρκων. There was also an Altar to him before the gates, of which <sup>h</sup> *Ovid*. -- *Ante ades stabat Iovis Hospitalis ara*, <sup>g</sup> *Paulan.* hence *Iupiter Xenius*, as if he were the *God of strangers and hospitality*. So solemne were they in their entertainements, <sup>h</sup> *Metamorph.* that

i Eustath. in that they would not receave a stranger without great cere-  
 H. 9. monies, such as giving of the right hand each to other <sup>i</sup> πρῶτον  
 k Pag. 27. But <sup>ως</sup> ἑλωπικόν, a most certaine signe of fidelitie, and security; as  
 Eustath saies also washing and cleausing with salt, or salt water, as <sup>k</sup> Τζετ-  
 that they did zes on *Lycophron*; whence it is called ἀγνίτης πάρος. Salt they  
 set salt before zes highly esteemed of, ever upbraiding violated hospitality with  
 any other meat to stran- <sup>l</sup> τῆ ἀλας, &c. where is the salt? And yet it may bee thought  
 gers. to be laid of the communitie of the table <sup>m</sup> ἐδῶν ἢ ἑλόντων  
 l Demosth. p. μὴ χακρυεῖν τὸ ὁμοτραπέζης καὶ συνεσίης, customes shewing that  
 241. fellow commoners, and such as feed of the same table must  
 m Tzetzes in Lycoph. p. 28. not iniure one another, to which the old saying may well a-  
 n Cic. de A- gree, <sup>n</sup> multos modios salis simul edendos esse, ut amicitia munus  
 micitia. Eu- expletum sit, Men must eat many bushels of salt together, be-  
 stath saies fore they can be perfect friends; meaning that friendship is  
 that it beto- not to be soone established. But I take salt, of the lustration,  
 hens loue per- to which also they added fire, as you may see in <sup>o</sup> *Aristopha-*  
 manent. For nes. Neither was this all, for they sacrificed moreover, calling  
 salt preserues *Iupiter* to witnesse, and using these words in the time of sacri-  
 And as it is fice. <sup>p</sup> Εἰς Δία Ξένιον ἀμύρτειν, εἰ ἀειορῶ Ξένος. Let my trespassse  
 made of many be against *Iupiter Xenius*, if I offend, contemne, or neglect stran-  
 lettings in of gers. And for the continuation of this even to their posterity  
 water, so they they were wont to cut an huckle bone in two, the one partie  
 who come fro- keeping one peece, the other party the other halfe, that when  
 divers places occasion or necessitie should make either of them stand in  
 by hospitality are made one. need of other, <sup>q</sup> ἐπαρῶν τὸ ἡμῶν ἀσραιάλιον, ἀναγεῖν τὸ πῶ Ξε-  
 In *Il. 2. p. 100.* νίαν, bringing with them their halfe huckle bone they might re-  
 o In *Acharn.* new their hospitality. This they call <sup>σ</sup> σύμβολον *Symbolum* a to-  
 P 414. vide ken, which sometimes they would send to their acquain-  
 Sch. tance in others behalfe, as *Iason* in *Euripides* offers to *Medea*  
 p Eustath in to doe. <sup>π</sup> Πέμπειν τῶ ξένοισι σύμβολ' οἱ θεῶσσι σ' εἶ. And to send a  
*Il. 2.* *Symbolum* or token to strangers that shall courteously enter-  
 q *Eurip. Sch.* taine you. But of this enough, as also of *Iupiter*, whom cele-  
 P. 446. brated in <sup>a</sup> other Epithites I knowe by the *Athenians*. *Apollo*  
 s As <sup>α</sup> πολιδός. *Symbolum* was next in request to *Iupiter*, invocated in danger or sudden  
*Aristophan.* events, hence <sup>b</sup> ἀποῦπιος, from ἀποστρέφειν, to turne away, as if  
 ὀμβεῖος. *Apollo*  
 Pausan. &c. he  
 o *Aristophan.*  
 π. p. 86.

he should deliver them from eminent evill, for which reason he is called *Alexicacus*. <sup>c</sup> *Apollinem aspellentem mala intelligas, quem Athenienses* *Ἀλεξιάκου* appelliant. He was one of the first Gods they had, hence is he termed <sup>d</sup> *παλῆσος*, but <sup>e</sup> others thinke because he was the father of *Ion*. <sup>f</sup> *Macrobius* is of opinion, because the *Sun* the same with *Apollo* is the Author of progenerating all things, *quod sol humoribus exsiccatis progenerandis omnibus praebeuit causam*. To him stood Altars in their streets, hence is he *ἀγυαῖς*, as if he were set over their waies & *Ἰλίου ενίμας, quae intrapomaria sunt, ἀγυαῖς*. This *Agueus* was a sharp pillar. <sup>h</sup> *κίον ἃ ἑστῶ ἰσὺς ἐξὺ λήγων*. Although the *Greekes*, as <sup>i</sup> *Macrobius* saies, did worship him as *Θυγαῖον, exitus & introitus potentem*, one that kept the doores of their houses, yet I finde no monument of that Title in *Pausanias*. Famous he was for the name of *Pean*, of which though I haue taken occasion to speake elsewhere, yet this is a most proper place. I will not trouble you with the triviall derivations of the *Greekes*, which you read in <sup>k</sup> *Athenaeus*. When the *Atbenians* asked helpe of the *Oracle* at *Delphos* against the *Amazons*, in the daies of *Theseus*, The God bid them implore his succour in these words <sup>l</sup> *ἰε Παιαῖ*. <sup>l</sup> *Hanc vocem, id est ἰε Παιαῖ, confirmasse fertur. Oraculum Delphicum Atheniensibus, petentibus opem Dei adversus Amazonas, Theseo regnante. Namq; inituros bellum iussit his ipsis verbis semetipsum auxiliatorem invocari, hortariq;.* I doubt not but the words are changed somewhat, especially if wee consider the ancient *Io Pean*. *Pean*, saies the <sup>m</sup> *Scholiast* of *Aristophanes* is a song or hymne praying for the ceasing of a plague, or war, nay for the preventing of apparent hurt. The originall of *Io* <sup>n</sup> *Scaliger* hath already found, *Iao*, and *Io* being contracted by the *Greekes* for *Iehova*; *Pean* then comes from *ἰε* to look, so that *Io Pean* is in force *Iehova Penoh*. LORD LOOKE UPON us, it being a craft of the Divell to come as neere as possibly he may to God, so to bereave him of his deare honour, if he could. The remnants of these words the <sup>o</sup> *Symerons*

<sup>c</sup> Macrobi. Sat.

1. p. 253.

<sup>d</sup> Aristoph.

Nub. p. 203.

<sup>e</sup> Aristop. Schol.

p. 611. g.

<sup>f</sup> Satur. 1. p.

257.

<sup>g</sup> Macrobi.

Sat. 1. c. 9.

<sup>h</sup> Schol. Eurip.

Phæ. p. 322.

<sup>i</sup> Sat. 1. c. 9.

<sup>k</sup> In fin. lib.

14. Dip.

<sup>l</sup> Macrobi. Sat.

1. 1. c. 17. pag.

253.

<sup>m</sup> In Plut.

pag. 68.

<sup>n</sup> Græc. Trag.

<sup>o</sup> Vide Sir

Fr. Drake.

a people of the West Indies use, who in their fighting dance, and leap, and sing *Yó Pehó*, at this day. Mercury is hallowed by the name of *Παλιγυρίππλος* or *Εμπελαῖος*, deemed to be the God whose favour could enrich Merchants and Tradesmen. He is the God of craft, so by consequence he that is cunning to cheat may soone grow rich, wherefore this God is termed *Ἐειννίος*, Very profitable, from *εἶρι*, an augmenting word, and *ὄνω* to profit. Hee had a statue erected to him in the Market place called *Ἑρμῆς Ἀγοραῖος*. The entry of their houses was sacred to him, from which he is named *Προπύλαιος*, as likewise *Ἐξοραῖος* from *εἰσέρειν*, to turne, because he was set up behinde the dore to keep away theeves, that were wont to lurk thereabout, and then afterward commit their villanie. More of his names you may read in *Ἐ. Aristoph. Schol.*

*p* Aristop. πλ.  
p. 110. Ach.  
p. 410.

*q* Aristop. Casp.  
p. 266.

*a* Aristop. 304  
*b* Paul. p. 20.  
l. 35.

*c* Pag. 110.

## CAP. III.

*De Saturno, Vulcano, Neptuno, Marte,  
Hercule. ἄγαντες.*

*S*aturne was worshipped by the Athenians, witnesse the feasts kept in honour to him called *κεῖνια*; witnesse a *ἴ. Τέ-  
ple* which he had in Athens. Of his antiquitie I cannot much affirme any thing. He seemes to haue beene of old, as I conjecture out of *Ἐκεῖνι γὰρ νόμιμα*, Saturnine anima, put for dotage proverbially. Vulcan likewise had his honour there, and a Temple, of which *ἔ. Demosthenes*; where was one of the Athenian prisons; some controversies in law in it decided, as I gather out of *ḡ. Demosthenenes*. Neptune was an ancient Patron of this Citie, which he loved even to strife. He was feared for securitie in navigation, hence *ἠ. Ασφαλείος*. *i. Mars* also had his worship, and Temple, and Hercules too, who in a dreame appeared to *Sophocles*, revealing unto him the sacrifice of one who had stolen a golden cup out of his Temple: called therefore *Μηνυλῆς* or *Index Hercules*, as *῀. Tully*.  
Neither

*d* Paul. p. 16.  
l. 32.

*e* Aristop. πλ.  
p. 61.

*f* P. 536. n. 26

*g* παρὰ τὸ ἄλλο  
ἄλλο.

*h* Aristop. p.  
403.

*i* Paul. p. 7. l.  
27.

*k* De divinatione.  
l. 1.

Neither were they contented with such a quantitie, but canonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them *ἀνακτες*.<sup>k</sup> ἀνακῶς γὰρ ἔχειν τὸ ὀπιμελεμενῶς ἢ φυλάττοντας ὀπῆν· καὶ τὸ βασιλεῖς ἴσως ἀνακτας διὰ τὸ καλεῖσθαι. For they who have a care & watch of any thing doe diligently observe it ἀνακῶς ἔχειν. For which Kings perhaps are called ἀνακτες, as keepers of their people. <sup>m</sup> The Scholiast of *Euripides* teaches us that ἀναξ properly signifieth a Saviour. So *Pan* is said to beε *Αναξ Κυλλήνης*, the Tutelar God of *Cyllene*. And *Apollo* in <sup>n</sup> *Homer*. χεῖρας ἴφι ἀνάσσειν. The word is simply put for God in <sup>o</sup> *Aristophanes*, Π τὸ ἐν θεὸς Ἀνακίας καὶ Σωτῆρος καλεῖται. To these may be put *Harmodius* and *Aristogiton*. *Lycus*. *Theseus*. *Alon*. *Hesychus*. *Aristomachus* the Phyfitian. *Celeus* and *Metanira*. And many more (of whom see <sup>q</sup> *Meursius*) made of Men, as *Silanion* and *Parrhasius* that made the statue of <sup>r</sup> *Theseus*.

<sup>l</sup> Plat. Thef. p. 111. 25.

<sup>m</sup> In Hippol. p. 507.

<sup>n</sup> Iliad. a.

<sup>o</sup> In Avib. pag. 578.

<sup>p</sup> Eurip. Sch. p. 507.

<sup>q</sup> In Athen. Att. l. 3. c. 1.

& 7.

<sup>r</sup> Plat. in Th. p. 2. l. 14.

CAP. IV.

De *Minerva*, *Cerere* & *Proserpina*, *Baccho*. *Venere*, *Eumenidibus*, *Hecate*, *Ixnone*, *Prometheo*, &c.

**M***inerva* the especiall deitie of the *Athenians*, had the Festivals called *Panathenea*, of which you may fully read in <sup>f</sup> *Meursius*. Next to her *Ceres* and *Proserpina*, whose rites *longe maximis* & *occultissimis* *ceramoniis* continentur, <sup>a</sup> saies *Cicero*, were greatest and most hidden: therefore called *mysteria* from <sup>b</sup> μυστα, to hide; <sup>c</sup> death and a curse lying on him who should disclose those abominable secrets. See *Meursius* in his <sup>d</sup> *Eleusinia* of the initiation into these stews. They were of two sorts. <sup>e</sup> Greater to *Ceres*, lesse to *Proserpina*. *Bacchus* also the sonne of *Ceres* had his Temple allotted and a double tide holy to him. *Dionysia* <sup>f</sup> *parva* and <sup>g</sup> *Magna*. *Venus* had her honour, and sacrifice in which they offered to her <sup>h</sup> money the price of an whore. <sup>i</sup> *Eumenides* were first a-

<sup>f</sup> In Panath.

<sup>a</sup> In Verrem. §

<sup>b</sup> Nonnus. ad Naz. 511.

<sup>c</sup> Vide Plat. in Alcib.

<sup>d</sup> Cap. 7.

<sup>e</sup> Aristop. Sch. p. 85.

<sup>f</sup> Arist. p. 222.

<sup>g</sup> Idem. p. 123.

<sup>h</sup> Clem. Alex. p. 19.

<sup>i</sup> Vide Æsch. in Eumen. & Sch. Sophan

Oed. Col.

dored by *Orestes* after he escaped the *Judgement* at *Athens* in *Areopagus* for killing his mother *Clytemnestra*. These by *Hesiod* are called *Erinnyes*, by the *Athenians* *Σειυαὶ Θεαὶ*, the venerable Goddesses. To these they offered drinke offerings, without wine though at mid-night, a custome peculiar to them alone, as <sup>m</sup> *Æschylus* witnesseth, though I am not ignorant that <sup>n</sup> *Bacchus* his feasts were kept in the night; whence he is called *Nyctelius*. But the Tragedian.

<sup>o</sup> κύνυκτίσιμα δειπνα ἐπ' ἐχάρα πνεύς  
ἔθιον ὄραν ἔδειξες κοινῶ θεῶν.

k In Theogonia.

l Pauf. p. 27. l. 3.

m In Eumen. p. 275.

n Aristop. p. 228.

o Loco citato.

p In Oedipo. Col. p. 271.

q Æschylus loco præd.

r Vide Interp. Hor. in illud Diva trifor-  
mis.

s Aristop. Sch. p. 63.

t Pag. 64.

u In Orat. *περὶς κόουνα.*  
p. 693. u. 59.

\* In Nubes p. 176.

x In Plut. 63.

Scholiast: ἐν γὰρ τῷ μυστηριακῷ μόναις εὐεχνύσιν ἀπέρχοντο. By <sup>p</sup> *Sophocles* the manner of oblation is set downe. First having cleane hands and pure, the worshipper ought to draw out of a running fountaine water, and having filled three cups with water and honey (hence termed *ἑννεφάλια μελισίματα*) the mouthes and eares of which are to be covered with the wooll of a young sheep, turning himselfe towards the East, he powdered out some of two of them, but the third wholly; then with both hands setting thrice nine branches of Oliue on the place where he cast his *χοάς*, hee uttered his conceaved supplications. Other sacrifices they had as shall bee shortly spoken. *Hecate* was worshipped by them in *triviis*, where three waies met, supposed to bee the Moone in heaven, *Diana* on earth, and *Hecate* below. To her the richer sort every new Moone made a feast in the crosse waies, setting bread and other provision, which the poore greedily fed on, and were so ravenous after, that <sup>t</sup> *Penia* in *Aristophanes* complains, that they snatcht it, before it could be laid downe. Reference to this hath *Ἐγκαταῖα κατεδίειν*, to eat the cates of *Hecate*, in <sup>u</sup> *Demosthenes*, which he seemes to object, as a fordid or wicked thing, Indeed *βαμολόχος*, which signifies one that privily taketh away any of the sacrifices from the Altar; imports sometimes *impious*, *βαμολόχος ἀσεβής*. Schol. \* *Aristoph.* And yet the same Scholiast tells us that the needy sustained themselves by the sacrifices. <sup>x</sup> ἀπὸ τῶν ἱερῶν γὰρ οἱ πτωχοὶ ζῶσιν. *Iuno*es rites were

were performed in great pomp with haire over their shoulders and downe the back, in a vesture that swept the ground, their armes bedecked with glorious bracelets, their paces so minced, that <sup>a</sup> *Ἡρότων βασιζέειν*, *Iunonium incedere* is to goe stately. *Promethews* was worshipped in a kinde of Torch-dance, or running with linkes or lamps, it may bee in memoriall of the fire, which superstitiously they beleaved him to haue stolne out of heaven. To say more of their Gods were needlesse either for you to read, or me to write. More they had, among whom *Pan* was of a latter making, introduced by <sup>b</sup> *Philippides*, and <sup>\*</sup> *Σφραγίτιδες Νύμφαι*. *Sphragitides Nymphae*, after the *Persian* overthrow.

<sup>a</sup> Vide Schottum in Proverb. Isaacum Casaub. in Athen. l. 12. c. 5. p. 388.  
<sup>b</sup> Cl. Alex. p. 22.  
<sup>\*</sup> Plut. Arist. p. 240. l. 30.

CAP. V.

Θεοὶ Ἀνδριῶτες. Ερμαί. *Phacasiæ Diis.*

THE *Athenians* before their dores erected statues which they called <sup>c</sup> *θεὸς ἀνδριεύς*, because they were exposed to the Sunne. Neither had they these alone, but certaine others sacred to *Mercury*, named from *Hermes Hermae Mercurials*. The fashion of them was divers. For first they were not *ἀναπηταίδοι*, *porrecto veretro*, but made after to that forme by the *Athenians*, who received it from the *Pelasgi*, as <sup>d</sup> *Herodotus*. Neither did they want legges, untill the *Athenians* made the *ἀκώλες*, according to <sup>e</sup> *Pausanias*. The manner was this. <sup>e</sup> *A face of Mercury set upon a pillar of foure corners. The head only and neck were shapen, and therefore it was called truncus Hermes, f Iuvenal,*

<sup>c</sup> Vide Hesychium, & Dionysium Petavium in Themistium.

<sup>d</sup> In Euterpe. p. 48.

<sup>e</sup> In Atticis p. 22. l. 14.

<sup>f</sup> Sat. 8. v. 52.

<sup>g</sup> Vide Vlpian. in Dem.

p. 332. & G.

Langbaine in

Notis ad

Longinum.

men *ἄει ὕψος.*

*Nil nisi Cecropides, truncusq; simillimus Hermae.*

*Nullo quippe alio vincis discrimine, quam quod*

*Illi marmoreum caput est, tua vivit imago.*

For which reason likewise the *Greekes* name them *ἄγυαίς*, without limbs. On the lower part of them were certaine verses engraven, containing the praises of some well deserving

men; but the *Herma* on which they wrote the exploits of those that had merited, seeme to me to haue beene set up in that gallery, which from the number of these images was commonly knowne by Ἐρμῶν Στόα the gallery of *Mercurials*.

At the consecration of these they used some ceremonies, and sacrificed a kinde of gruell, which was of no great preparation; Because they would not stand long about it. Hence χύτρας ἰσπύεσθαι may be said to sacrifice with that which costs but little.

<sup>b</sup> Pag. 693.

<sup>a</sup> *Aristophanes*. χύτραισιν, ὡς μεμφομένην Ἐρμίδιον; *Schol.* Ἐρμίδιον, ἀπὸ τῆς εὐτελείας. in *Pace*. Now to the erecting of their Images it will not be unseasonable to adde something of the forme of their Gods; whom they made standing with their hands upward, as if they were more willing to receive

<sup>a</sup> *Concion.*  
p. 747.

then bestow any thing. To which <sup>a</sup> *Aristophanes* alludes, saying, -- κὶ γὰρ Θεοί. Γνώσει δ' ὑπὸ τῶν χειρῶν τε κὶ ἀιδματόν.

Ὅταν γὰρ εὐχόμεθα δίδουαι τιγαθά. Ἐσηκεν ἐκλείνοντα πρὸ χειρῶν ἕπιαν. Οὐχ ὡς πιδώσονται ἀλλ' ὅπως πλῆξε. Even the Gods you shall knowe by their hands and statues. For when we pray them to giue us some good thing, they stand with their hands upward, as if they would send downe nothing, but rather take oblation.

To tel you likewise that these Idols were clothed, is no news doubtlesse to one meanelly versed in the Greeke antiquities.

To say that they weare shooes too, is probable, whence they are named *Dii Phacasiari*, from φακασία, a kind of low shooes which the Athenians called κοῖτιπῆδες, from κόνη, dust, and πῆς, the foot, because they were neare the ground. διὰ τὸ πλάζην

<sup>b</sup> *Pæd.* l. 2. c.  
11. p. 152.

μοι δοκεῖν τῆ κόνη τοῦ ποδός, saies <sup>b</sup> *Clemens Alexandrinus*. But more sure I am that they were pictured with them on their feet. <sup>c</sup> *Iuvenal*.

<sup>c</sup> *Sat.* 3. v. 217

*Hic aliquid præclarum Euphranoris & Polyclestæ  
Phacasianorum vetera ornamenta Deorum.*



CAP. VI.

De Superstitione Atheniensium, & vaticiniis.

Long since were the Athenians taxed by the Apostle for superstition, which though it properly signifies <sup>d</sup> a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearefull dreames, in <sup>e</sup> Aristophanes *ὄνειρον ἀποκλύζειν*. In which sense some understand Persius. *Noctem flumine purgare*. Wearing of rings against witchcraft as a spell, called <sup>f</sup> *δακτύλιος φαρμάκιος*. & Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie*. Of which also Theocritus, *τεῖς εἰς ἐμὸν ἔπρυσσά κόλπον*. I knowe not whether the custome of our fillic people haue reference to this foppery, who use to spit at the naming of the Divell. Certaine it is, that anciently they did spit in defiance, hence *πύειν* is put for *καταφρονεῖν* and *ἐν ἔδῳ λόγῳ τρέψαι* to contemne or set little by, as the <sup>h</sup> Scholiast of Sophocles on these words, *πύσας ὡσεὶ δυσχερῆ*. Washing with water the head as often as hee shall goe into the streets *καὶ κεφαλῆς λούσας*; <sup>i</sup> Theophrastus. Anointing of stones, divers it seemes from those heaps sacred to Mercury, termed *Ερμιακας*. This hath beene of old. Done indeed as a token of thankfulness by <sup>k</sup> Jacob in Bethel, where hee tooke the stone that he put for his pillowes, and set it up, and powred oyle on the top of it, in his iourney to Padan Aram. Hennes crowning, the bold entrance of a black dog into their houses, Serpents seene *ἐν τῇ οἰκίᾳ*, saies Theophrastus, of which <sup>a</sup> Terence. *Introit in aedes ater alienus canis. Anguis per impluvium decidit de tegulis. Gallina cecinit*. Put to these a <sup>b</sup> Cat or Weesel (the word signifieth both) crossing his way, the Mouse eating his salt bag. Not unlike them now adaies, whose clothes the Rats or Mice shall chance to eat, deemed not long after like to liue by our ignorant, or that hee shall haue great ill betide

him.

<sup>d</sup> Donat. in Ter. p. 67.  
<sup>e</sup> Rans p. 274 vide & Æsch. in Persis.

<sup>f</sup> Aristop. Pl. p. 88. f.  
<sup>g</sup> Thoph. Ch. p. 49.

<sup>h</sup> Antigonens.

<sup>i</sup> Charact.

<sup>k</sup> Gen. 28. 18.

<sup>a</sup> In Phor. Ac. 4. Sc. 4.  
<sup>b</sup> γαλή.  
Theoph.

him. Adde the avoiding of obsequies for feare of pollution. Antiquity was of opinion that sacred persons were defiled with the sight of the dead, as *Chemnitius* hath observed, and *Euripides* brings in *Diana* speaking that it is not lawfull for her to behold dying *Hippolytus*. Nay the standing upon a graue was a great religion; *ἐπιβιῶναι μνήμην*. Furthermore observing of daies good & bad, of which *Hesiod*, *ἀλλη μνηστειά, ἀλλη ἡμίτηρ*, that one is a stepdame, another a mother. <sup>e</sup> Amazement at the Eclipse of the Sunne, as also the <sup>f</sup> Moone; not knowing the reason, why shee did loose her light, at that time, when shee was in her full lustre. Buying of Medicines or enchanted stones for the quicker delivery in child-birth; in *Aristophanes*. *ὠκυτόκαι ὠνησιῶρος*. Of the vertue I speake nought. <sup>g</sup> *Boemus* relates that in *Darien* in *America* the women eat an hearb when they are great with child which makes them to bring forth without paine. Ioine to this the sneezing over the right shoulder, or the right side, <sup>h</sup> *παρμὸς ἐκ δεξιῶν*. Observation of *Διοσημείας*, or sudden stormes, as the <sup>i</sup> *Sch.* of *Aristophanes* interprets it, snow, haile, or the like. <sup>k</sup> Cutting off their haire, and sacrificing it to rivers, as *Cephissus*. Marking the flight of the owle, whence came the proverb, <sup>l</sup> *γλαῦξ διέπτατο*, *The Owle hath fled*. And *γλαῦξ ἴστα* for good lucke, The Owle being a token of victory to the *Athenians*. <sup>m</sup> *ἢ πῆσις τῆς γλαυκῆς νίκης σύμβολον τοῖς Ἀθηναίοις ἐνομίζετο*. They ever accounting it so since the warre at *Salamis*, where the *Greekes* seeing an Owle tooke courage and beat the *Barbarians*. *Appendix Vaticana*. *ἐν Σαλαμῖνι ἃ πάσης δευθέσης παρρησαντες Ἕλληες ἐνίκησαν*. Other madnesse of theirs was sleeping in the <sup>n</sup> Temple of *Æsculapius*, who were ill at ease, supposing the deity to giue, or shew them a remedy, <sup>o</sup> for which in gratulation they were wont to offer him a cock. If I mistake not. What shall I say of <sup>p</sup> putting him to death who should cut downe an Oake or an Holme (so *Ilex* which in Greek is *πεινίδιον* may be taken, I thinke it an Holme) in the *Heroum*; And punishing *Atarbes* capitally who being distra-

<sup>c</sup> In Hip.p. 603. vide etiā Eustath. in

Ιλ π. <sup>d</sup> ἐν ἔργοις καὶ ἡμ.

<sup>e</sup> Plut. Pericle p. 123. l. 35.

<sup>f</sup> Plut. Nicia. p. 392. l. 21.

<sup>g</sup> Lib. 4. c. 11.

<sup>h</sup> Plut. Them p. 85. l. 23.

<sup>i</sup> In Ach. p. 379. & p. 424

<sup>k</sup> Paus. Att. p. 35. l. 31. vide

Eust. in Il. B. <sup>l</sup> Aristop. Ve-

spil. p. 508. <sup>m</sup> Zenobius.

<sup>n</sup> Aristop. pp. 44. 66. T. 438

<sup>o</sup> Petronius.

<sup>p</sup> Ælian. περ. l. 5. c. 17.

cted

Æted had slaine a sparrow sacred to *Æsculapius*? Thus farre  
 haue we gone. Let us proceed to their vaticinations or pro-  
 phecyings. *Æschylus* brings *Prometheus* on the stage, vaun-  
 ting how first he taught men \* *Ονειροχεικόν· Οιωτισκόν· Ηπατι- \* Vide Sch.*  
*κόν· Ουπκόν.* All which were practised among the *Athenians*, pag. 32.  
 as you may read in <sup>a</sup> *Xenophon*. *Ονειροχεικόν*, the interpretation <sup>a</sup> *Απομνησ.*  
*of dreames*, is a resolution of those doubts which we conceaue <sup>initio.</sup>  
 of things offered to our fancie in sleepe, as that of *Hecuba*  
 dreaming that she should bring forth a firebrand; and that of  
*Atossa* before the fall of her sonne *Xerxes*, whom shee saw  
 striving to yoke the *Barbarian* and *Greeke* woman, one of  
 which overthrew him. This the ancients tearmed *ἐνύπνιον*  
*ἰδεῖν*, *Æschylus*, ascribing much to the truth of them, suppo-  
 sing them to be sent from a Deitie-- *κὶ γὰρ ἴ' ὄναρ ἐκ Διὸς ἔστιν.*  
<sup>b</sup> *Homer*. The skill in them is *ἐξ ὀνειράτων ἂν χεῖ παρ ἧμέσσι,* <sup>b Iliad. 1.</sup>  
*κλυθόνας τε δυσκρίτους (γνωρίζειν)* to truly tell the event. Which <sup>c Æschy. Pro-</sup>  
 was no small art, certaine bookes written of that subiect. <sup>P. 33.</sup>  
<sup>d</sup> *κὶ εἰσὶν ἔγγεφοί πνες τέχναι ὀνειροχειπιά* as *Artemidorus* his <sup>d Eust. in Il. a.</sup>  
*Onirocritica*. *Οιωτισκόν*; *Soothsaying by birds* when such or <sup>P. 36.</sup>  
 such flie either before or behinde him, at the right or left  
 hand, to shew what it doth prognosticate. *Æschylus*. *Γαμψο-*  
*νύχων τὲ πῆσιν ὀιωτῶν σκαθρῶς Διῶεισ' ὀίπνες δ' ἔξιοι εὔσιν,* <sup>e Pag. 33.</sup>  
*Ευώ-*  
*τυμοί τε, κὶ δαιταρ ὤπνα Εχασ' ἔκασοι, κὶ πρὸς ἀλλήλους πνες.*  
<sup>f</sup> *Εχθεραί τε κὶ σέρσηθεα κὶ σωεδεία.* It was formerly stiled <sup>f Aristides. T.</sup>  
*ονείστικη*, ἄτε ἐκ διανοίας ποιζομένων ἀνθρώπων δειήσει σημείων) <sup>3. p. 25.</sup>  
 which the minde doth suggest to the opinion. It is put for a-  
 ny divination in Greek writers, but most properly *ὀνειροσκοπη-*  
*κόν*, which <sup>g Nonnus</sup> *Telegonus* is related to haue found according to <sup>Σωαγ. 1. 5.</sup>  
*Nonnus*, but according to <sup>h Plinie, Car.</sup> *Plinie*, *Car.*, whence it is called <sup>a οβ.</sup>  
*Caria*. *Ηπατικόν*, looking into the Liver or entrals, like the <sup>b Nat. hist. 1. 7</sup>  
 Latines *extispicium*, observing the colour of them, <sup>f λοβὸς τε</sup> <sup>c. 56.</sup>  
*ποικίλλω εὐμορφίαν*; as likewise the soundnesse, hence taken as <sup>i Æsch. loco</sup>  
 a prodigie *λοβὸς ἐκ ἔχων κερῶν*, in <sup>k Plutarch</sup> *Plutarch*, the extremitie <sup>citato.</sup>  
 of the liver (like the outmost parts of the vine leafe, saies *Isi-* <sup>k Pag. 357.</sup>  
*dor*) not to be seene, or rather that which they call the head, <sup>l. 31.</sup>

G.

Ovid.

*Ovid, casumq; caput reperitur in extis.* Θυπηδόν, in marking the flame of the sacrifice burnt, <sup>1</sup> φλογωπὰ σήματα, the Tragedian calls them, by which they could foretell events. More doubtlesse had they waies of witchcraft, as the other Greeks. Ενόδιον, as when one shall meet you carrying such or such things, then this shall befall you, *Æschylus* termes them ενόδιος σύμβολος, *Sch.* τὸ ἐξ ὑπαντήσεως. See *Scaliger* in *Tibullum*, on these words *Puer è triviis*. The Scholiast of <sup>2</sup> *Aristophanes* on ξύμβολον ὄρνιν, They made, quoth hee, whom they met first as it were tokens of good hap. Whence it may be came up the salutation, which <sup>b</sup> *Sophocles* calls ενόδιος σῶμα φερνίδιθ, wishing luck, as χεῖρ among the Greeks, and the Latines <sup>c</sup> *Estobonius avibus visus* &c. Σύμβολον is put likewise for sneezing, or the conjecturing at them. *Sternutamentum* being accounted <sup>d</sup> a Deitie by the Romans, but sacred to <sup>d</sup> *Ceres*, as the Greeks, whence proceeded that Ζήσεαι, which wee imitate in our God help you, as often as we see any man so purging his head. Which not to have proceeded from any deadly disease, is sufficiently evinced by *Casaubon* on *Athenians*. Οἰκοσκοπιηδόν, at the sight of a Mousle, Serpent, Cat, or the like in the house, or when the oyle cruse is dry, honey, wine, water is spent, to guesse at future things. Of this <sup>e</sup> *Xenocrates* wrote. χεῖρσκοπιηδόν, Palmistrie, when by the length of the hand, or lines of the table, they can judge of freeness in housekeeping, of marriage & posterity, of which <sup>f</sup> *Helennus* once left a monument. Πημισικόν, gathered out of the shaking of the parts of the body as the shoulder, thigh, or right eye, in which kinde *Posidonius* was an author exposed to the world. Εγασπιυδία, as that wherein the *Witch of Endor* was experienced, out of the lower parts of whose belly the Divell spake. The first that practised this among the *Athenians* was *Eurycles*, hence they who are possessed with this spirit of prophesying are called *Ευρυκλειῶν*, *Euryclita*, as the <sup>g</sup> *Schol.* of *Aristoph.* who calls this art <sup>h</sup> *Ευρυκλέως μαντεία*, the divining of *Eurycles*. Νεκρομαντεία, where after solemne sacrifices they were wont to call up the soules

<sup>1</sup> *Æsch.* loco citato.

<sup>2</sup> In *Au.* p. 574

<sup>b</sup> In *Oed.* Tyr. initio.  
<sup>c</sup> *Ovid.* *Fast.*

<sup>d</sup> *Sch.* *Aristop.* loco citato.

<sup>e</sup> *Nonnus* in *Naz.*

<sup>f</sup> *Nonnus.*

<sup>g</sup> In *Vesp.* pag. 503.  
<sup>h</sup> *Ib.* p. 502.

soules of the deceased, demanding of them what afterward  
 should befall. As <sup>i</sup> *Wierus*. And no wonder, for they held <sup>i</sup> De Magis  
 the spirits of their parents and kinred for Gods, *quibus sacri-* Inf. l. 2. c. 11.  
*ficabant* (saies *Bodin*) & *ad quorum sepulchra comedebant, in* h Damonomanie l. 2. c. 3  
*quos scriptura inueniens ac detestans, inquit, & comederunt sa-*  
*crificia mortuorum.* To which they sacrificed, and at whole se-  
 pulchers they fed, against whom the Scripture in veighing &  
 detesting speaketh, *And they ate the oblations of the dead.* Of  
 this <sup>l</sup> *Aristophanes* makes mention, & <sup>m</sup> *Homer* in his *Odysses*. l In Avib. p  
 This is that which most properly is called *γολεία* from γόλ <sup>m</sup> Lib. 2.  
 lamentation, by *Wierus* termed *dira execrationes*, <sup>a</sup> for with a Nonn. in  
 great mourning they invocated *κακοποιὲς δαίμονας*, wicked Naz.  
 Gods for the accomplishment of their diuinish designs. It  
 may most fitly haue the name of *Nigra Magia*, <sup>b</sup> for so the b Vide Bodin.  
*Wisards* divide them into the black and white Magick. *Μα-*  
*γεία*, from whence the word Magick is derived seemes to  
 haue beene found by the <sup>c</sup> *Medes & Persians*, whose Priests c Vide Nonn.  
 were called *Magi*, great Philosophers as <sup>d</sup> *Laertiüs* is wit- d In Proœm.  
 nesse. This is supposed to be the good Magick. <sup>e</sup> *Ἐπίκλησις δαί-* e Nonnus.  
*δαμόνων ἀγαθοποιῶν, πρὸς ἀγαθὴν πνεύματι σύστασιν. φαρμακεία*, is a  
 giving of *philtrum*, a medicine for the procurement of loue,  
 or rather enraging of lust, by bewitching something and gi-  
 uing it to be eaten; which to haue power over swine is cre-  
 dibly reported. *Κοσμηνομαντεία* Tricks with a paire of sheeres  
 and siue, of which *Theocritus*. <sup>f</sup> *Ἀξινομαντεία* To take coun- f Vide Odyf.  
 cell of an hatchet, taking it & laying it on a peece of timber  
 flat waies, which did the feat by turning round. Like to which  
 is that naughty use of a key and Bible. *Ἀστρολογεμαντεία*, by the  
 casting of the dice to aske the number of wiues, children,  
 farmes, &c. which answered to the quantitie of the chance.  
<sup>g</sup> *Ἀλφριθομαντεία* & *Ἀλδερμαντεία*, done by corne, <sup>h</sup> *Ἀειθιμαν-* g Vide Theocrit.  
*τεία*, by taking the letters of the name, as when two were to crit. in Phar.  
 fight, and by the value of them to iudge the conquest; As they h Delrio Dis-  
 said of *Hectors* being overcome by *Achilles*. *Ὀρνιθομαντεία*, qui. Mag. l. 4.  
 making a circle they divided it into foure and twenty parts, c. 2. q. 5. sec. 7.

and on each part made a letter, and putting wheat upon the letters they brought in a Cock, and observing from from what letters he took up the graine, they at last ioyned them together, and so knew their successors, husbands, &c. Στοιχειομαντεία, opening a book of *Homer* and by the first verse that they lighted upon to divine, as that of the death of *Soerates*, who so foretold it, meeting with that verse of *Homer*, which speakes of the arrivall of *Achilles* within three dayes at *Thes-saly*.<sup>i</sup> *Et quoniam poemata pro vaticiniis, &c.* and because poems were accounted prophecies, as Poets prophets, they were most busie in them. Hence in publique causes had the Romans recourse to the *Sibylline Oracles*, & the private Grecians to the verses of *Homer*. And that *Sors* was put for the writing of Oracles, is manifest out of the words *Sortes Delphica*, for fore-telling or divination.<sup>a</sup> I know the shee Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsaile. Whence the word <sup>b</sup>μαντικη at this time read for Soothsaying, was anciently called *μανικη* madnesse. And yet that their cunning men had a kinde of lottery, is as cleere as day, the <sup>c</sup>Scholiast of *Euripides* testifying; done it seemes in matters of questiō, so κληρον δχεδαι may intimate as much as to undergoe triall. Predictions there were, <sup>d</sup>faith *Eustath*, out of signes and wonders, as also of the noise that leaves make when they are burned. To which some adde <sup>a</sup>εσομαντεία or divination by the ayre, quoting for it *Aristophanes* in *Nubibus*, which I now remember not.

<sup>a</sup>Wier. de Magis Inf. l. 2. c. 13.

<sup>a</sup> Vide Sch. Arist. in Plut. <sup>b</sup> Aristid. T. 3. pag. 25.

<sup>c</sup> In Hippol. p. 580.

<sup>d</sup> In Il. a. p. 36.

CAP. VII.

*De Templis & Asylis.*

**T**Heir Churches were of two sorts; sacred to their Gods in Greek, νεως, or ιερα. And sacred to their Demi-gods most properly οικoi. But the word is promiscuously used by the Tragœdians. *Clemens Alexandrinus* is of opinion that the first

first originall of their Temples was the erecting of an edifice to the honour of the deceased. <sup>e</sup> νεὼς μὲν εὐφήμας ὀνομαζομένης, <sup>e</sup> Vide p. 121. πέφικε ἢ ἡμιόλιος, τετίσι τὸ πέφικε νεὼς ὀπικεκλημένης. Cecrops buried in the *Acropolis*, *Erichonius* in the Temple of *Minerva Polias*, the daughters of *Celeus* in *Eleusis*, &c. They were divided into two parts, the sacred and prophane, this called <sup>f</sup> ἕξω ἀειρήναιον, the other ἔσω. <sup>f</sup> Casaubon tells that ἀειρήναιον <sup>f</sup> In Theop. Charact. was that holy water set at the dore of the Temple, with which every one that entered into the Temple besprinkled himselfe, or was besprinkled by those that sacrificed; of which in the next Chapter. But others haue written that it stood at the entrance of the *Adytum*, into which it was not lawfull for any but the Priests to come. The <sup>g</sup> Schol. of *Sophocles* thus describes the Church. *Ναὸς*, quoth hee, is the place <sup>g</sup> In Oed. Tyrannum. where the Altar stands. *Βωμὸς*, the Altar on which they offered their oblations, *Τέμενος*, where they placed the Idol which they worshipped; in ancient time a rude table or stock, <sup>a</sup> *συνίς* <sup>a</sup> Protreptico Clemens *Alexandrinus* calls it, as that of *Iuno Samia*, after- <sup>P. 23.</sup> ward made in the magistracie of *Procles* to be a statue. At first named <sup>b</sup> *ξόανα*, <sup>b</sup> Idem. διὰ τὸ ἀποξείδαι τὴν ὕλην, from the shaving of it; but when art began to bee so expert as to make it resemble a man, they termed it *βρέτας*, from *βροτὸς mortalis*, whose shape it bare. At the setting up thereof they used these ceremonies: That a woman neatly trimmed and deckt in a purple vesture, should bring on her head a pot of sodden pulse, as beanes, pease, and the like, which they sacrificed in thankfulness for their first food, <sup>c</sup> εὐχαισθήια ἀπονέμοντες τὴν πρώτην δαίτην. For <sup>c</sup> Schol. Arist. P. 115. as much as I conceave out of *Pollux*, they prayed not where this was consecrated, or did divine honours, but in the *ἱερόν* or *ναὸν*, the body of the Church, framing, as may bee gathered, their gesture towards it. <sup>d</sup> *Αὐτὰ ἢ ἀδεραπδόμην, ἀγάλματα, ξό- d Lib. 1. c. 1. *ανα, ἔδην θεῶν, &c.* Furthermore belonging to their Temples <sup>τμ. γ.</sup> there was a kinde of Vestry, in Greek *ἀρχεῖον* by some translated *summum templum*, as if it were at the upper end. This seemes to haue beene a *Treasurie* both for the Church, and*

e Laertius in  
vita. p. 122.  
vide ad eum  
locum Cas.

any soever, who fearing the security of his wealth would commit it to the custody of the Priest, as <sup>c</sup> Xenophon is reported to have done at the Temple of Diana in Ephesus. Martial points at this when he saies,

*Templa vel arcano demens spoliaverat auro.*

So reverently did they esteem of these houses of their Gods, that to doe those offices of nature, I meane venting of excrements too shamelesly seene among us, in the Church-yards, as I may call them, was an abomination; punished severely by Pisistratus. For when he had taken tribute of all that the Attick ground had brought forth, they so hated him for that taxation, as they made the *ωειοεγισια* of the Temple of Apollo Pythius a Lakes; which although forbidden never was redressed. And yet so secretly was it done, that he could apprehend none saue at last one stranger, whom hee caused to bee whipt, with this proclamation, **THAT BECAUSE HEE CONTEMNED THE EDICT HE SHOULD DIE.** Hence to a man that soundly smarted for his wickednesse, they were wont proverbially to say, *Hee had better haue eased himselfe in the Pythæum*, or if there were more, in the plurall number. *Κρείττον τὸ ἀπὸ τῆς ἐν τῷ Πυθίῳ ἐπιπάθου.* Nay so honourable held they these Churches that to them they granted priuiledge of Sanctuary, to which who should fly, might not from thence bee drawne out under a trespasse upon religion. Of this kinde was the Temple of Minerva, and Theseus, the Altars of the

a Vid. Rosin.  
b Polyd. Virg.  
in Eurip. they  
are presented  
setting neere  
the Altar. T.  
2. p 472.

*Eumenides*, and *Mercy*, <sup>a</sup> whose image they would not haue erected any where in their City, although in the midst thereof shee had a Groue. <sup>b</sup> The first *Asylum* among the Heathens is held to haue beene in Athens, built by the He-



CAP. VIII.

De Sacerdotiis.

OF holy orders among them I conceive to have been divers sorts, Παράσιτοι, *Parasiti*, a word had in latter times in great dirision, exagitated almost in every Comœdie, put for a shark or smel-feast, <sup>c</sup> *Edax Parasitus*. But held once in good esteeme. For when they had set aside such a parcell of land as they thought the revenewes thereof would suffice for the sacrifices of such and such Gods, they chose certaine men who should receave or gather the harvest. *Crates*, οἱ ὅτι πῶ τὸ ἱερὸν ὅτε ἐκλογῶν αἰρέμενοι. With the incomes of this were the charges of those publique sacrifices defraied. Hence *μεγάλα Introitus magni*, great yearely substance, is used for great sacrifice in <sup>e</sup> *Aristophanes*. Scholiast. ἔγω ἢ ἔλεγον τὰς μεσομαρῶνας τοῖς θεοῖς θυσίας. Κήρυκες. *Ceryces*, the same signifies a cride, but in sacred functions a Minister, who slew and offered the victim. <sup>f</sup> *Anthenio* the Comœdian ascribes much honour to them, as if they had first taught men to seeth victuals, the flesh of sheep and oxen, while before they devoured each other raw. They take their name from <sup>g</sup> *Ceryx* the sonne of *Mercury* and *Pandrosus*. But <sup>h</sup> *Casaubon*, ἀπὸ τῆς κρηττοῦ. *A prastantiore parte numeris quod obibant, sic dicti. Idem namq, hostias maclabant, adolebantq, &c.* They in the time of divine rites craved the silence of the people in these words, <sup>o</sup> *Ευφημεῖτε*. Σιγῶ πάντες ἔστω λεώς. Be whist all yee people. Good words, for so <sup>i</sup> *εὐφημεῖν* signifies, as well as to say nought, which *Horace* fitly interprets when he saies, *Male ominatis Parcite verbis*. When sacrifice was ended they dismissed the congregation with these words *λαῶν ἀφες*. To which custome he unfitly looked who derived the Masse from *Missa est, ite*, better fetcht in my minde by <sup>a</sup> *Wechelins* from *Masath* the Hebrew which availes as much as to praise. *Μυσαγοροί*, the same

<sup>c</sup> Terent.

<sup>d</sup> Secun. Att. Dialecti. apud Athen. p. 238

<sup>e</sup> Avib. p. 581

<sup>f</sup> Apud Ath. l. 14. p. 661.

<sup>g</sup> Vide Salm. in Inscripti. Pollucem. l. 8  
<sup>h</sup> In Athen. lib. 15. c. 23.

<sup>i</sup> Casaub. in Theophrast. p. 321.

<sup>a</sup> In lib. quem scripsit de Sacramento.

**b** Meursius E-  
 leusin. in c. 13  
**c** In Stel. 1.  
 p. 63.  
**d** L. Mountac.  
 of Chichester  
**e** In Alexaph.  
 p. 144.  
**f** Aristop. Sc.  
 p. 125.  
**g** T. 2. p. 621.  
**h** In Politic.  
**i** In Plut. p. 71  
**k** Casaub. in  
 Theoph.  
**l** Arist. p. 481.  
**m** Arist. p. 101  
**n** In Plut. p. 71

same with <sup>b</sup> *ἱεροφάντης*, who intiated them who desired to bee  
 admitted into the societie of the superstitiously zealous (who  
 after they were entered, were not under a yeare compleat,  
 permitted to see their Bable.) <sup>c</sup> *Schol. Naz. ἱεροφάντης ὄρα τὰ τὰ  
 ἱεργὰ ἀνοφαίνειν. Hierophanta* so called from *ἀνοφαίνειν τὰ ἱεργὰ*, o-  
 pening the holy things. *Ἐροὶ δὲ οἱ ἱεργῶν.* <sup>d</sup> The learned Bi-  
 shop, upon that place of *Naxianzen*, notes that *Moses* among  
 the *Israelites* was an *Hierophanta*, shewing unto them what  
 they were to do in those sacred busineses. *Πυρρόφοι*, they who  
 lighted the fire of the Altar, whose office made them safe in  
 warre and danger. Hence of bloody fight we say *ἔνε πυρρόφοι*,  
*Ne ignifer quidem*, there escaped not he that served at the Al-  
 tar. *ἱεροποιοὶ*, The Priests in the *Great Mysteries*, tenne in  
 number. *Νεωκόροι* whom <sup>e</sup> *Nicander* calls *ζῆλοποι* from *ζῆλος*  
*τὸ καμωπίζειν*, to bee decent, because they kept the Temples  
 cleane, and swept them as *Ion* in *Ἐυριπίδης* speakes. These  
 were the *ναοφύλακες*, whose charge it was to preserue that  
 which was found in the Church, and to see that repaired  
 which went to ruine, saies <sup>h</sup> *Aristotle*. And yet we read that  
 the *Parasiti* did sometime look to the mending of it. There  
 being a law enacted that what they laid out should bee resto-  
 red againe. *ἱερεῖς* in <sup>i</sup> *Aristophanes* likewise termed *ωρῶποιοι*.  
 These are the Priests ever waiting on the Gods, <sup>k</sup> whose prai-  
 ers the ancient required at their sacrifices; out of which they  
 had a fee, <sup>l</sup> the trotters and skinnes, as the <sup>m</sup> *Ceryces* the  
 tongues. And indeed there was no necessity, For there being  
 tables in their Temples, as *Casaubon* teaches us, whereon they  
 might lay their oblations, (& perhaps sometimes depart) of  
 which the Priest according to his stomach did share. Well  
 known to <sup>n</sup> *Aristop.* who relates the like of the Priest of *Æs-  
 culapius*. It was requisite to this function that they who un-  
 dertook it should be sound both winde and limb, they being  
 asked <sup>i</sup> *ἀφελεῖς* before their creation, whether they were  
 whole in every member: which ceremonie to haue beene  
 used among holy orders of latter daies is well knowne, their  
 neighbours

neighbours wiues bearing record, sayes <sup>a</sup> *Christianus*, that <sup>d</sup> In Aristotle they haue not taken into their societies *quid mutilum*. There were moreover shee Priests as the Βασίλισσα, in Demosthenes, and the Κανυόβες whom in all things <sup>b</sup> *Dionysius Halicarnas-* <sup>b</sup> Antiq. l. 1. n. 3. *fens* compared to the vestall Nunnes.

CAP. IX.

De Sacrificiis.

THE father of Philosophie is of opinion that Sacrifices first began after the ancients had ended their harvest. For when being free from care, they found time for mirth and iollitie. In which they offered their first fruits called ἀπαρχαί, from whence ἀπαρχεῖται is read generally to doe any sacrifice. Neither doth ἀνεγδῖνα import lesse, For <sup>c</sup> *σιν* signifies the bend, or great chest of the garnet, wherein they laid up the harvest threst and winnowed; ἀνεγν, the first or beginning, as if when they began to treasure up their store, they first of all liberally paid some devotion to their Gods. The Attick oblations, even to *Draco*, were nothing else but the earths beneficence, but before *Solons* age, burnt offering; who willed in his lawes, that they should be ἐκλεκτα ἱερῶα, chosen and selected sacrifices. The rites performed in them were not different from those in the daies of *Homer*, but somewhat reformed. It behoved them that would take in hand these holy things to purifie themselues some certaine daies before, <sup>e</sup> *οὐρανῶν* ἡμερῶν ἀειδμὸν, the number of them is not set downe. I take ἀγνῶν here to abstaine from carnall delights; *Tibull. - Discedite ab aris Quos tulit hesternæ gaudia nocte Venus*) To which purpose *Theano* being asked when it might be lawfull for a woman, from the company of a man to goe to sacrifice; answered, from her owne at any time, but a stranger never. Being thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered

<sup>c</sup> Vide schol. Eurip. Phæno. p. 291.

<sup>d</sup> Plut. p. 65. l. 26. they called their leane sacrifices κέ-  
<sup>e</sup> *οὐρανῶν* ἡμερῶν ἡμερῶν ἡμερῶν  
ov. hornes & haire, as if naught else, Arist. p. 584. <sup>e</sup> Demosth. pp. 400. 476.

H

with

f In pace. p. 695. with flower and salt, in *Aristophanes* ἄλα, in *S Homer* ἐλοχύθ) with which they cut the throat of the *viſtime*. Then they purified the Altar going about it with the right hand towards these ἐλοχύ- it. *Aristophanes*. Περὶ δὲ τῶν βαμῶν ταχέως ἐπὶ δὲ ζυγία. This lu- was the greeks stration was made with meale & holy water sprinkled there- ever beganne on. This water is called ἰ χέρνιϕ in which they quenched a sacrifice, the firebrand taken from the Altar; with which they bedewed the Romans Far. standers by, accounting it a kinde of clensing. ( Hence Dionys. Halic a χέρνι βαζ. νέμειν was forbidden him whom they took for a pol- l. 2. n. 4. luted and forlorne rogue. ) Then they cast some of the flower b Loco laud. on them, And having thus expiated, they cried out b Τις τῆδε; i Athen. l. 9. Who is here, to which they made reply, Πολλοὶ καγαθοί. Many p. 409. and good. Then they praied. c *Homer*. Εξείης ἔεισαν εὐδμυτον Sophocles Oed. Tyr. δει βαμῶν. Χέρνιϕαντο δ' ἑσπία, ἢ ἐλοχύτας ἀέλοντο, Τοῖσιν δ' Aristoph. p. χρύσις μεγάλ' ἔχετο χεῖρας ἀνασχόν. Among the latter they c *Iliad*. a. spake with a loud voice εὐχάμειδα, before they began. Let us pray. Supplications ended they drew the *viſtime* so as (if it were to the Gods above ) the head might looke upwards, which d *Homer*, αὐ' ἐρύειν. *Eust.* εἰ μὲν τοῖς ἀνω ἔθουον, ἀνακλῶν δ' d *Iliad*. a. τῶν ἱερῶν πρὸς ἄνω, ὡς εἰς τὸ ἕρνον. If it were to the Heroes or Demi gods, with his throat downewards. Then they slew him & skinned him, & cutting out the \* huck shin- bones and hanch, they covered them with fat, which is called \* *Nazianzen*, κίονη χαιροντες, reioycing in the fat ) to the ende that they might burne all out in a great flame. f *ω* γδ' αὐτοῦ δὲ ἐλοκαυποδύει τὸ μὲν λαμπαρῶ καταφλεχθῆναι πνεῖ. For the Grecians accounted it unluckie if it did not so consume, and thought that it was not καμύρημα: upon the μὲν they cast small peeces of flesh cut from every part of the beast, begin- ning with the shouler ( which is in Greek ὤμῳ ) hence this is called ὠμοδείην. The reason *Eustathius* giues, ὅτι δοκεῖν χεῖ τὸν ὀμῶν, ὅλα ἔπω τὰ μίση τῶ ἱερῶν καρτέει, that they might seeme to consume all, which the *Athenians* did not, being commanded by law to carry some of the sacrifice home. By reason

f In pace. p. 695.  
 Iliad. a. with  
 these ἐλοχύ-  
 was the greeks  
 ever beganne  
 sacrifice, the  
 Romans Far.  
 Dionys. Halic  
 l. 2. n. 4.  
 Loco laud.  
 Athen. l. 9.  
 p. 409.  
 Sophocles  
 Oed. Tyr.  
 Aristoph. p.  
 Iliad. a.  
 Iliad. a.  
 Mneia.  
 In Stel.  
 Eustath. p.  
 I. O. I. I.  
 Loco laud.

reason of which iniunction, they did so straine curtesy of their Gods; that the illiberall or niggardly sort of people would sell that which was left, and so make gaine of their devotion. <sup>h</sup> Τὸ μὲν ἱερεῖς πλὴν οὐδ' ἰδέων τὰ κρέα ἀποδιδέδαι saies *Theophrastus*, Where <sup>i</sup> *Casaubon* notes. *Coxam fere offerebant, aut intestina, aut aliud non magnæ rei persæpe*. They offered the hanch bone or the entrals, or somewhat of no great worth. Where by entrals you are to understand the spleene, the liver, and the heart, which *Homer* calls *σπλάγχνα*, for though the word bee taken for the bowels, yet it signifies the heart too, in which sence we say *ἀσπλαγχνὸς ἀνὴρ*, a pusillanimous man, & *ἑυσπλαγχνὸς* a couragious, as the <sup>a</sup> Scholiast of *Sophocles* teaches us, & so *σπλάγχνα ἐλέως* the bowels of compassion. These the ancients did divide among them at sacrifice to feed on, and afterwards cut out the rest to rost. For when they had finished their devotions, they let the reynes loose to all manner of voluptuousnesse, gluttony, and drunkennesse. For oft times they left nothing of their sacrifice, especially when they offered to *Vesta*, whence the proverb, *Εἰς αὐθύνειν*, is to eat up all, like the Roman *Lari sacrificare*. To say that publikely they begun to *Vesta* were more then I could well prouē; but that they did so is plaine. In their houses they had Altars, and so I supposed once *Ἀφ' Ἐσίας ἀρχεῖται* to be taken, but this was done in *Libaminibus*, in their drink offerings, as he on <sup>b</sup> *Aristophanes*. As for their meat offerings it was required that they should bee <sup>c</sup> found and without blemish, whether it were an ox, sheep, goat, swine, calfe: to sacrifice they simply termed *ἔρδειν* which our Latines haue interpreted fitly, *Facere*. <sup>d</sup> *Virgil*, *cum faciam vitula*. Whose poverty was so great that hee could not afford a sheep, or the like, they thought the Gods would bee well pleased if he offered *Molas*, which the Greekes call <sup>e</sup> *δουλήματα* meale, which by the richer was mingled with oyle and wine, as the <sup>f</sup> Scholiast of *Aristoph.* The more wealthie instead of this did cast frankincense on the Altars. For the sacrifices of *Pallas* the tithes were set a part, as <sup>g</sup> *Demostenes*. In

<sup>h</sup> Th. Charac. περὶ Ἀναξάνειας. <sup>i</sup> Pag. 336.

<sup>a</sup> In Aiaceum Lorarium.

<sup>b</sup> Vide p. 582.

<sup>c</sup> Vide Pollucem. l. 1.

<sup>d</sup> In Bucolicis

<sup>e</sup> Casaub. in Theop. p. 237 <sup>f</sup> Pag. 701. D

<sup>g</sup> Pag. 378.

H 2 their

Schol. Arist. P. 304. their oblations the μάγειροι or cookes gaue the  $\frac{1}{10}$  part to the Prytanes. So ἀδικατὰ τὸ κοιλία, put for ὑσία where the Gods cannot haue their allowance. Schol. Aristop. on ἀδικατὰ τὸ θεῶν ἰερός ἔχοντα κοιλίας. Ἐδος ἣ ἔιχον τὰς δικάτας ἢ θυομύων τοῖς Πρυτάνεσιν εἰ μάγειροι δίδοναι. Στον ἣ εἰπεῖν ἀδικατὰ τὸν ἔχοντα ὑσίαν, &c.

CAP. X.

De Anno Attico.

De Doct. Temp. l. 1. c. 1.

\* Negat Petrus Miscel. l. 8. p. 192. Petav. affirmat. M. Selden. in Appar. ad Græco Epoch Chro. \* id est, The fifteenth day De D. Tem. T. 1. P. 4.

THE ancient Greek yeare consisted of three hundred & sixtie daies, each moneth consisting of thirtie. Rude antiquity ignorant of celestiall contemplations, deeming the Moone to finish her course in that space. Which according to <sup>a</sup> Petavius seemes false. *Lunaris enim non fuit, sed eius menses tricenis diebus constabant singuli.* By which reckoning, had they not used intercalations, they had soone found a maine difference in the times, when they ought to haue celebrated their festivals. They made therefore a *Tetraeteris*, in which when they found leaven daies deficient, they supplied them by adding \* 2 to every end of the yeare, called ἀναρχοὶ ἡμέραι <sup>b</sup> *eo quod per illud biduum Athenæ Magistratibus carebant,* Because for those two daies Athens was without Magistrates. But the last of these foure had but 359 daies, besides the two <sup>c</sup> *ὑπεράλλυσαι*, in respect to the Olympick games, ever kept in the Olympick games, ever kept in the \* full moone, which could not haue happened, had they not began the *Tetraeteris* with a new Moone. Neverthelesse the Sunne and Moone appearing 14 daies oddes in a *Tetraeteris*, they made every eighth yeare an interiection of one Moneth, that this time being ended, the course might still returne the same. This all Greece observed, saies Petavius, by the Athenians termed *μυσήεια*, by the people of Etis an *Olympiad*. What kinde of Lunary yeare was in use among the Grandfires of Greece, is not

Not truly known; by <sup>d</sup> Petrus delivered to be of D: 347. every  
 ry Month 29 D: except one, which like our February had but  
 28 D: Every two yeares one Moneth was inserted, once of  
 29 D: another time of 28 D: But because in two yeares this  
 \* magnus annus surpassed the Moone 15 D: itaq; Tetractera  
 fecerunt. This consisted of 1445 D: 723. & 722. make 1445. So  
 many daies 254. foure times doubled hath, if you please to  
 adjoyne 29. Of this sort of calculation doth hee understand  
 f Geminus. Τὸς μὲν αὖτε τετρακονθήμερος ἦρον, τὸν δὲ ἐμβολίμους παρ  
 ἐνιαυτῶν. That must be fitly understood, quoth hee, for they did  
 number the Moneths as if they were 30 D: when notwithstanding  
 they had but 29. 8 Petavius is otherwise conceited, who  
 takes the Scholiast of Aristophanes in that sense, as meaning  
 29 D: full ones, when indeed exactly taken according to  
 h Geminus you may account 29.  $\frac{1}{2}$ .  $\frac{3}{4}$ . and i Ulpian, εἰροσιεννία  
 καὶ ἡμισυ. 29. And yet are we not destitute of authority, that a  
 Moneth was supposed 29 D. k Theon. Μὲν αὖτε ἡμέρας, τὸν δὲ  
 σάββατον Σελήνης καὶ Ἡλίου χρόνον ἐπὶ σιῶσδον, ὅς ἐστιν ἡμερῶν καὶ  
 But that the fragments were left out, the words are plaine,  
 Ἐπὶ δὲ τῶν ποικίλων χρόνων ἡμέρας ἀλλεῖ, ἢ ἐκ τῶν νυκτῶν καὶ ἡμέρας  
 χρόνον. τέτρω δὲ τῶν μὲν ἐχρῶντο πρὸς τὴν πολιτικῶν ἡμερῶν  
 διαγωγῆν καὶ νῦν ἐπὶ χρόνῳ πολλοὶ τῶν Ἑλλήνων. He meanes a day  
 the space of a night and a day, for according to such Moneths  
 did they administer their civill affaires. And now it is in re-  
 quest among many of the Greekes. But of this enough. Soone  
 was the Tetracteteris found faultie; therefore was made a Ka-  
 lander of eight yeares, in which doubling eight times the dif-  
 ference of the Sunne, to wit, 11 D:  $\frac{1}{4}$ . made up three Months,  
 inserted every third, fift, and eighth yeare. But the scruples  
 comming short in sixteene yeares 3 D: they intercalated  
 three. And seeing still they could not make it even. a Eucte-  
 mon and Philippus made an Almanack for nineteene yeares,  
 which by Callippus was produced to 76. Moneths 940. of  
 them 28. ἐμβολίμοι, ἢ δὲ τάξι τῶν ἐμβολίμων ὁμοίως ἐχρήσαντο,  
 saies Geminus. This was the progresse of their reformation.

d Eclog. Chr.  
 p. 225. Petav.  
 goes not so  
 bome. Lib. de  
 doct. Temp.  
 i. c. 6.  
 \* each of these  
 two yeares se-  
 verally taken  
 was called ver-  
 tens, ioyne d  
 annus mag-  
 nus.  
 e Loco laud:  
 f Elem. Astro.  
 c. 8. p. 36.  
 g In Auctario  
 h Loco citato  
 i In Arg O-  
 rat. contra  
 And. p. 380.  
 k In Arati Di-  
 osem. p. 74.  
 a Geminus p.  
 38. Whom I  
 follow. Not ig-  
 norant that  
 Meton was  
 the first that  
 made the Ci-  
 cle of 19.  
 yeares. Hence  
 Μέτωνος ἐπι-  
 νατίς. Me-  
 ταν's yeare is  
 put for a long  
 time prover-  
 bially.

But we must look back againe and consider that they counted  
 their yeare two waies. First of <sup>b</sup> C C C L X, as hath been already  
 spoken, next C C C L I I I I, when they made the Moneths  
 interchangeably <sup>πλήρεις ἢ κούραις</sup>, full and deficient, that is, one  
 29. the other 30 daies, yet both Lunary. For that is proved  
 even by the names of their daies. The first, wherein the Moon  
 appeared new, called by a *Synalapha* or contraction of the  
 words *synalapha*. The second *δατέρα*. The eight *διχομήνια*, or  
 halfe full: the full *πρωσιλήνη*. The last *τειακὰς*, <sup>ἀπὸ αὐτῆς τῆς</sup>  
<sup>συμβάινοντες</sup>, because that in the daies of *Thales Milesius*,<sup>d</sup>  
 who was the author of that terme, the Moneth had 30, and no  
 more, but ended, whence I suppose <sup>αὶ ἐν αὐτῇ τειακὰς</sup>, signi-  
 fie the dead, the period of whose life hath beene come to.  
 Though *Diogenian* giues other reasons. And by the way we  
 must not thinke, that they had no regard to the courie of the  
 Sunne; <sup>f sed tamen ut annus fieret Solaris, &c.</sup> But neverthe-  
 lesse that the yeare might be correspondent to the Sun, they  
 put five daies, called <sup>ἐπιρόμβου</sup> epacted, to the last Month *Scir-*  
*rophorion*, for the supplying of the defect. And so the yeare  
 had 365 D: which was the true and iust measure. But hee  
 might haue added, sometimes 366, by reason of that  $\frac{1}{4}$  which  
*Geminus* acknowledges the Greeks to haue reckoned, al-  
 though they accounted their Moneths but 30 D. This is that  
*annus implicitus*, which <sup>a</sup> *Aratus* stiles *μέλαν ἐνιαυτὸν*. To this  
 point the Greeke Authors, telling the yeares by seed time.  
<sup>b</sup> *Sophocles* -- <sup>Ἐπιρόμβου Ἀετῶν ἔπος εἰς ἔτη</sup>. For the ancients,  
 saies <sup>c</sup> *Theon*, took the yeare three waies; either by the Sunne;  
 or seasons; as spring, summer, autumn, winter, <sup>d</sup> (*Sophocles*. <sup>Ἐξ</sup>  
<sup>ἤρ</sup> <sup>εἰς Ἀρκτῦρον ἐπιλήεις χρόνος. Χειμῶνι δ' ἦδη</sup> -- ) or thirdly  
 by the Moone: whose irregularity *Solon* is reported by <sup>e</sup> *Plu-*  
*tarch* first to haue marked. Observing therefore that shee on  
 the same day overtooke and surpassed the Sun, <sup>f</sup> <sup>ἢ αὐτῆς ἡμέρας</sup>  
<sup>καταλαμβάνουσαν καὶ παρερχομένην τὸ ἥλιον</sup>, he caused that to be  
 called <sup>ἡ γῆνη καὶ νέα</sup> the old and new, because that remnant,  
 which was before the coniunction, hee thought belonging to  
 the

<sup>b</sup> Then were  
 all the monthes  
 of 30 D. as  
 you may see in  
 Schol. Aristop.  
 Achir. p. 412. c.

<sup>c</sup> Gem. p. 32.  
<sup>d</sup> Laertius in  
 vita.

<sup>e</sup> Pollux l. 1.

<sup>f</sup> Petit. Eccl.  
 Chro. p. 215.

<sup>a</sup> In Διοσημ.  
 p. 78.

<sup>b</sup> In Antigon.  
 p. 213.

<sup>c</sup> In Aratum  
 p. 78.

<sup>d</sup> In Oedipo  
 Tyrann. p. 183

<sup>e</sup> In vita pag.  
 66. l. 15.

<sup>f</sup> Plutarch.

<sup>g</sup> Laert. in vit.



the precedent Moneth, and that remnant which was after the conjunction, appertaining to the subsequent. (These peeces <sup>h</sup> *Aratus* calls *σωρίοντων Μηνῶν πείρατα*) in which matter hee is thought to haue had *Homer* in sight, who in his *Odysses* termes the thirtieth day, as *Didymus* expounds it, Τῆ μὲν φθίνουσι μῶν, τῆ δ' ἰσαμῶνιο. Where wee may note that then they had no *μεσοβύλιον*, but counted from one to twelue in the ordinal numbers, used by <sup>k</sup> *Demosthenes* in one Oration, ἐν δικάτῃ and δωδεκάτῃ *Ἐκατομβαιῶνος*. Then putting the lesser to the greater they said *τεῖτη ἐπὶ δέκα, τετάρτη ἐπὶ δέκα, the third aboue ten, the fourth upon tenne,* and so to twentie,\* But when at the one and twentieth day they perceaved the wane of the Moone to be great, and the light almost lost, they changed the order and used *δέκατῃ φθίνουσι, ἐννάτῃ, &c. the tenth of the decrease, the ninth of the decrease,* and so to the twentie nine, *ἀδύτῃ φθίνουσι, the second of the decrease, or from the end,* going lower in number stil, as the splendor of the Moon was diminished, but the thirtieth they call'd *ἐπὶ χύβητα* for the cause aboue. Here likewise they take the reason why the Moneth ending was *φθίνων*. <sup>l</sup> *Ἐπειδὴ φθίνειν ὡσπερ καὶ φθίρειται δοκεῖ τὰ φῶτα.* Because the daies and Moones doe as it were die, according to that of *Horace*. *Novæq; pergunt interire Luna.* <sup>m</sup> *Macrobius*, *quid aliud nisi illum φθίνοντα dicit, cuius paulatim deficientis supputatio in nomen definit secuturi: Ἐ ἰσαμῶν illum, qui præcedit numerum successurus priori in defectum meanti.* *Ἰσαμῶν* standing to supply the place of the departing Moneth; fixed and still waiting untill the Moone shall haue iournied to the compleating and ending of the precedent time. Thus the last day of our liues is said to stand. *Virgil*, <sup>n</sup> *Stat sua cuiq; dies,* as unto which we must passe through all the rest, and once approach. Thus squared they their times and state matters to the Moone. Hence read we *μῶνα καὶ πόλιν ἀγεῖν*, to count the Moneth as they doe, who manage politick busineses, or belonging to goverment. In which course they made their yeare of *CCCLIIII* daies, which divided into ten parts make ten times

<sup>h</sup> In Diosem. p. 125.  
<sup>i</sup> *Odysses*. ξ. pag. 164.

<sup>k</sup> *Contra Timocratem*. p. 446. n. 39.

\* Vide *Plutarch*. loco nuper laudat.

<sup>l</sup> *Vlpian* in *Dem.* p. 210.  
<sup>m</sup> *Macrobius* *Sat.* l. 1. c. 16.

<sup>n</sup> *Æneid.* 10. p. 330.

*a* Argum. Or. Dem. contra Androt. pag. 380. times 35, which space each <sup>a</sup> *στυτανεία* ruled in its turne, the foure that abounded were called *ἀρχαιρέσιαι*, in which they chose Magistrates, being for that time destitute of them. The yeare thus disposed, the Moneths must of necessity be *πῆρες* & *κοῖλοι* *καὶ* *πλησι*, as <sup>b</sup> *Geminus*. *Οἱ δὲ πρὸς τὴν πολιτικὴν ἀγωνίαν ὀλοχερέστερον λαμβανόμενοι μνηστικοὶ χρόνοι εἰσὶν ἡμερῶν καὶ ὥστε τὸ διμῶνον γίνεσθαι ἡμερῶν ἑξήκοντα διὰ τούτων τὴν αἰτίαν ὅτι κατὰ πόλιν μὲν ἐπιπλατῆς ἀγὼν πῆρες & κοῖλοι. διὰ τὸ τὴν Σεπτεμβρίῳ διμῶνον ἡμερῶν ἑξήκοντα ἔχειν. If a Moneth haue 29 D: <sup>c</sup>, two haue 59. Because there fore the two halfes might bee made one whole, they so ordered it that now it should bee 29 D. then 30 D: The *Athenians* counted their day from the setting of the sun on this day, untill the going downe of the next. In respect to which <sup>d</sup> *Nicander* may be thought to say of noone sleep, -- *ἀκρέατος δ' ἄδειν*. To take rest at the beginning of the *even*. I knowe that the ancients wrought but six houres in the *day*. <sup>e</sup> *Martial*, *sexta quies lassis septima finis erit*. Which <sup>e</sup> *In Il. ad* <sup>f</sup> *Eustath* affirms in his Commentary on *Homer*. And there fore *Ζ. Η. Θ. Ι.* were the notes of the 7. 8. 9. 10. houres, which ioyned unake *ζῆσι*, as if they should haue said to the Laborers, *Rest*. The beginning of the yeare was <sup>g</sup> *Hecatombaon*, *July*, the eight, siues <sup>h</sup> *Petitus*. They ever accounting that to be the first Moneth. In which order I haue found them set downe in a <sup>i</sup> Manuscript in our publique Library, only *Μαμακτηριον* is to be put aboue *Ρυανερσιον*.*

Roman.	Macedon.	Hebrew,	Egypt.	Hellen.	Athenian.
Ιανυάειθ.	Αιγόκερος.	Σάβαρ.	Τυβί.	Αυλιναῖος.	Ἑκατομβαιών.
Φαρυάειθ.	Ἑλεγχός.	Ἄσαρ.	Μαχαιρ'.	Περίγειος.	Μεταγειλιών.
Μάρπθ.	Ιχθύες.	Μεσαύ.	Φαυμάθ.	Δύσπος.	Βοηδρομιών.
Απεικίος.	Κεῖος.	Ιάβ.	φαρμεθί.	Σαρδικός.	Πυανερσιών.
Μάϊος.	Ταῦεγς.	Ψεφοναί.	Παών.	Αρτεμίσιος.	Μαιμακθειών.
Κύνιος.	Δίδυμος.	Θαμνί.	Παυνί.	Δάισος.	Ποσιδεών.
Ιήλιος.	Καρκίνος.	Αβ'.	Επρί.	Πάνικος.	Γαμηλιών.
Αυξεσος.	Λίωγ.	Βέλ.	Μεσνεί.	Δῶος.	Δηδεσθειών.

Σεπτέμβριος.	Παρθίνος.	Θισεί.	Θυσία.	Γορπύος.	Ελαρηβολιών
Οκτώβριος.	Ζυγός.	Μυρσιάν.	Φαωρί.	Γαββηλαῖος	Μενυχιών.
Νοέμβριος.	Σχορπίος.	Καλιβ.	Αθυεί.	Δίος.	Θαργηλιών.
Δεκέμβριος.	Τοξότης.	Τισθη.	Χοιάκ.	Απολλαι.	Σχιρροφοειών.

In which table although *Hecatombæon* bee compared to the *Julian* Moneth *January*, yet it appeares not that *Hecatombæon* was ever foremoued out of his place, as <sup>a</sup> *Petitus* will haue it, *Eriphanus* contradicting, of which by and by. Indeed when the Christians in honour of their Easter began the yeare in April, they called April *Hecatombæon*, as <sup>b</sup> he himselte testifies. But that *Hecatombæon* was alwaies the first Moneth is not probable. For when the *Athenians* under the dominion of *Alexander* the Great's successors changed the head of the yeare from *July* to the seaventh of *October* it is like that they began at *Μεμακτηριον* according to this <sup>c</sup> rule,

<sup>a</sup> Eclog. Chr. p. 214.

<sup>b</sup> Loco laud.

<sup>c</sup> Ex MS. Biblioth. Bodleiana in 8<sup>o</sup>. n. 8.

Μεμακτηριών.  
 Ποσειδεών.  
 Γαμηλιών.  
 Αθυσιαίων.  
 Ελαρηβολιών.  
 Μενυχιών.  
 Θαργηλιών.  
 Σχιρροφοειών.  
 Εκατομβαιών.  
 Μεταγεινιών.  
 Βοηδρομιών.  
 Πυανεσιών.

<sup>d</sup> Certaine it is that the same *Attick* Moneths are sometimes <sup>d</sup> *Vide Petav.* Lunary, and sometimes not, but of 30 *D:* or *Julian*; When <sup>in Eriphan.</sup> they are Lunary they haue no sure feat, but are now at this <sup>p. 138.</sup> time, then at another. And this hath been the reason why the same Moneths haue not beene suted to the *Julian*, by writers.

I Ulpian

e Pag. 21. *Ulpian* on *Demosthenes* parallels *Hecatombæon* to <sup>e</sup> *January*,  
 f Pag. 163. & in the *Oration* for *Ctesiphon*, to *March*, and againe to <sup>f</sup> *A-*  
 g In *Olynth.* 3 *pril.* & *March* he calles *Boedromion*, which also he interprets  
 h Pag. 148. <sup>h</sup> *June.* *Elaphebolion* <sup>i</sup> *November*, <sup>k</sup> *September* (in the margin  
 i Pag. 140. *February*) and <sup>l</sup> *December.* <sup>m</sup> *Thargelion*, *April.* *Munychion*  
 k Pag. 167. *January.* *Scirophorion*, *March.* Which errors are cursorily no-  
 l Pag. 120. ted by <sup>n</sup> *Petit* in part, to no great satisfaction. But when by  
 m Pag. 167. the decree of *Augustus. Cesar* they were charged to conform  
 n *Eclog. Chr.* their yeare to the *Julian*, they thus nimbred.  
 o *l. i. c. 6. p. 213*  
 p *Vide Petav.*  
 in *Epiphan.*  
 pag. 139.

*Menses Attici. Menses Juliani*

Ελαφβολιών.	March.
Μυνυχιών.	April.
Θαργηλιών.	May.
Σκιρροφοριών.	June.
Ἐκατομβαιών.	July.
Μετασειθιών.	August.
Βοηδρομιών.	September.
Μαιμακτηριών.	October.
Πυανεσιών.	November.
Ποσειδεών.	December.
Γαμηλιών.	January.
Ανδισιαιών.	February.

But of this, so much only. Wee must handle their *Lunarie* yeare because according to them were their feasts kept. From  
 a *Aristoph. p.* whence sometimes they would count, as <sup>a</sup> *ποῦτον χ' ὄσον ἐκ Δι-*  
 206. c. *ενυσίω.* So much and as long since the *Bacchanals*; speaking of the age of a girle. For a more compendious way of comprehending their holy daies view this *Almanack.*

*Hecatombæon. Iuly.*

1. Πρωτη ἰσαυδου. Πρυτανεία αἰφότη.
2. Τεῖτα.
3. Τετάρτη.
4. Πέμπτη.

- 5 Εκτη.
- 6 Εβδομη. \* Καθ' ἡμέραν ἑορταίης εἰς Ἀθῆνας. Kept in memory of the returne of *Theseus* out of *Creet*, after he had
- 7\* Ογδοη. slayne the *Minotaure*. <sup>b</sup> *Plutarch*. The solemnitie <sup>c</sup> *Ovid* seemes to describe: *Nullus Erechthidis fertur celebratio illo Illuxisse dies, &c.* the eight day of every Month was sacred to him. He had also a festivall called *Theseia*, in honour of gathering together the dispersed people of *Attica*. <sup>b</sup> *In vita p. 12*  
<sup>c</sup> *Metamorp. l. 7. Fab. 23.*  
<sup>d</sup> *Vide illum diligenter. Nam erit operæ pretium.*  
<sup>e</sup> *Pag. 446.*
- 8 Ενάτη.
- 9 Δεκάτη. <sup>d</sup> *Demostenes*. Then did the Masters wait on their servants, as in the Roman Saturnals. <sup>e</sup> *L. Accius. Maxima pars Graium Saturno, & maxime Athena Consciunt sacra, quæ Cronia esse iterantur ab illis, Cumq; diē celebrant, per agros, urbesq; fere omnes Exercent epulis leti, famulosq; procurant. Quisq; suos.* <sup>f</sup> *Metamorph. l. 7. Fab. 23.*  
<sup>g</sup> *Vide illum diligenter. Nam erit operæ pretium.*  
<sup>d</sup> *Pag. 446.*  
<sup>e</sup> *In Annalib. vide Macrobi. Satur. l. 1. c. 7. versus finem.*  
<sup>f</sup> *Then were kept the*  
<sup>g</sup> *Μετόικα in memoriall of their transmigratioz. Plur. p. 8. l. 9. By some it is termed Ζωόικα.*
- 10 Σεσάτη μεσση.
- 11 Δεκάτη. Κυρία Ἐκκλησία. α.
- 12 Τρίτη. Κρήνια. Of these, as also of the day, speaks <sup>a</sup> *Demostenes*. Then did the Masters wait on their servants, as in the Roman Saturnals. <sup>b</sup> *Plutarch*. The solemnitie <sup>c</sup> *Ovid* seemes to describe: *Nullus Erechthidis fertur celebratio illo Illuxisse dies, &c.* the eight day of every Month was sacred to him. He had also a festivall called *Theseia*, in honour of gathering together the dispersed people of *Attica*. <sup>b</sup> *In vita p. 12*  
<sup>c</sup> *Metamorp. l. 7. Fab. 23.*  
<sup>d</sup> *Vide illum diligenter. Nam erit operæ pretium.*  
<sup>e</sup> *Pag. 446.*  
<sup>f</sup> *Then were kept the*  
<sup>g</sup> *Μετόικα in memoriall of their transmigratioz. Plur. p. 8. l. 9. By some it is termed Ζωόικα.*
- 13 Τετάρτη.
- 14 Πέμπτη.
- 15 \* Εκτη.
- 16 Εβδομη.
- 17 Ογδοη.
- 18 Ενάτη.
- 19 Εικάς.
- 20 Δεκάτη Φθινόπωρος. Κυρία Ἐκκλησία. β. Hence was this Moneth called by the ancient Athenians, *Κοῦνις*; afterward *Hecatombæon*, from *ἐκατομβάια*, sacrifices to *Iupiter* or *Apollo*, as some think with the bloud of an hundred beasts: For so were they profuse in their sacrifices. <sup>f</sup> *Ovid. Taurorum sanguine centum.* <sup>g</sup> *In Il. a. pag. 6.*
- 21 Ενάτη.
- 22 Ογδοη.
- 23 Εβδομη.
- 24 Εκτη.
- 25 Πέμπτη.
- 26 Τετάρτη.
- 27\* Τρίτη Παναθηναία. <sup>h</sup> *The Scholiast of Homer* sayes that *Hecatombe* may be used for five & twenty beasts, whose feet make up the number of an hundred, *ἀπὸ τῶν ἐκατομβάσιων, ὃ ὄντιν ἐξ εἰκοπηέντε ζώων.* <sup>h</sup> *In vita p. 8.*
- 28 Δεκάτη.
- 29 \* Εννυχία

ἑποικίαν ἐποικίαν κοινῶν. At first they had the name *Ἀθῶναια*, by *Erethonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called *Πυρρική*, from *Pyrrhus* that invented it; Then carrying in procession the *Peplus*, or robe, in which was wrought the fight of the Gyants. All which you may read in <sup>i</sup> *Meursius* at large, and <sup>k</sup> *Aristophanes* his scholiast.

<sup>i</sup> In Panathenais.

<sup>k</sup> Pag. 140.

197.180.181

467.580.650

746.

The second of this moneth is called *τειμή*, because it hath but 29 daies, and so alwaies in *cavis*.

*Metagitnion*. August.

From the sacrifices of *Apollo*, called *Μετασίτυια*.

1 *Κυεῖα ἐπικλησία γ.*

2

3

4 *Κυεῖα ἐπικλησία δ.*

5

6

7 *Πρωτανθια δευτέρα.*

8

9

10

11

12

13

14

15

16

17 *Κυεῖα ἐπικλησία α.*

18

19

20

21

22  
 23  
 24  
 25  
 26 Κυρία ἐκκλησία. β.  
 27  
 28  
 29  
 30

\* Boedromion September.

1  
 2 Νίκη ἐν Πλαταιαῖς. When Pausanias and Aristi-  
 3 des overthrew Mardonius, Xerxes his Generall neare  
 4 Platae, a citie of Beotia, <sup>a</sup> Herodotus, <sup>b</sup> Iustin.  
 5 Νίκη ἐν Μαραθῶνι. Miltiades leader of the Attick  
 6 Κυρία ἐκκλησία. γ. forces got the upper hand of  
 7 the Persians. In which battle  
 8 when Cynagirus pursued the  
 9 Κυρία ἐκκλησία. δ. flying enemies to their ships,  
 10 he caught hold of one with his  
 11\* Χαριτήρια Ελευθερίας. right hand, which lost; he made  
 12 use of his left; that cut off, he in  
 13 token of his prowesse spared  
 14\* Ἀγυρμός Μυθήρια. not his teeth, to the eternizing of his name for valour  
 15 against his enemies.  
 16 \* In thankfulnesse for the delivery of Greece at what  
 17 time Darius and his Fleet went homeward. <sup>b</sup> Aristi-  
 18 des describes the ioy at full, and the erecting of an Altar  
 19 to Iupiter that freed them.  
 20 \* The greater in which they were made <sup>c</sup> ἐπόων, or  
 21 admitted to the fight of that they worshipped. The first  
 day was called ἀγυρμός, perhaps from the conflux of the

55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525  
 526  
 527  
 528  
 529  
 530  
 531  
 532  
 533  
 534  
 535  
 536  
 537  
 538  
 539  
 540  
 541  
 542  
 543  
 544  
 545  
 546  
 547  
 548  
 549  
 550  
 551  
 552  
 553  
 554  
 555  
 556  
 557  
 558  
 559  
 560  
 561  
 562  
 563  
 564  
 565  
 566  
 567  
 568  
 569  
 570  
 571  
 572  
 573  
 574  
 575  
 576  
 577  
 578  
 579  
 580  
 581  
 582  
 583  
 584  
 585  
 586  
 587  
 588  
 589  
 590  
 591  
 592  
 593  
 594  
 595  
 596  
 597  
 598  
 599  
 600  
 601  
 602  
 603  
 604  
 605  
 606  
 607  
 608  
 609  
 610  
 611  
 612  
 613  
 614  
 615  
 616  
 617  
 618  
 619  
 620  
 621  
 622  
 623  
 624  
 625  
 626  
 627  
 628  
 629  
 630  
 631  
 632  
 633  
 634  
 635  
 636  
 637  
 638  
 639  
 640  
 641  
 642  
 643  
 644  
 645  
 646  
 647  
 648  
 649  
 650  
 651  
 652  
 653  
 654  
 655  
 656  
 657  
 658  
 659  
 660  
 661  
 662  
 663  
 664  
 665  
 666  
 667  
 668  
 669  
 670  
 671  
 672  
 673  
 674  
 675  
 676  
 677  
 678  
 679  
 680  
 681  
 682  
 683  
 684  
 685  
 686  
 687  
 688  
 689  
 690  
 691  
 692  
 693  
 694  
 695  
 696  
 697  
 698  
 699  
 700  
 701  
 702  
 703  
 704  
 705  
 706  
 707  
 708  
 709  
 710  
 711  
 712  
 713  
 714  
 715  
 716  
 717  
 718  
 719  
 720  
 721  
 722  
 723  
 724  
 725  
 726  
 727  
 728  
 729  
 730  
 731  
 732  
 733  
 734  
 735  
 736  
 737  
 738  
 739  
 740  
 741  
 742  
 743  
 744  
 745  
 746  
 747  
 748  
 749  
 750  
 751  
 752  
 753  
 754  
 755  
 756  
 757  
 758  
 759  
 760  
 761  
 762  
 763  
 764  
 765  
 766  
 767  
 768  
 769  
 770  
 771  
 772  
 773  
 774  
 775  
 776  
 777  
 778  
 779  
 780  
 781  
 782  
 783  
 784  
 785  
 786  
 787  
 788  
 789  
 790  
 791  
 792  
 793  
 794  
 795  
 796  
 797  
 798  
 799  
 800  
 801  
 802  
 803  
 804  
 805  
 806  
 807  
 808  
 809  
 810  
 811  
 812  
 813  
 814  
 815  
 816  
 817  
 818  
 819  
 820  
 821  
 822  
 823  
 824  
 825  
 826  
 827  
 828  
 829  
 830  
 831  
 832  
 833  
 834  
 835  
 836  
 837  
 838  
 839  
 840  
 841  
 842  
 843  
 844  
 845  
 846  
 847  
 848  
 849  
 850  
 851  
 852  
 853  
 854  
 855  
 856  
 857  
 858  
 859  
 860  
 861  
 862  
 863  
 864  
 865  
 866  
 867  
 868  
 869  
 870  
 871  
 872  
 873  
 874  
 875  
 876  
 877  
 878  
 879  
 880  
 881  
 882  
 883  
 884  
 885  
 886  
 887  
 888  
 889  
 890  
 891  
 892  
 893  
 894  
 895  
 896  
 897  
 898  
 899  
 900  
 901  
 902  
 903  
 904  
 905  
 906  
 907  
 908  
 909  
 910  
 911  
 912  
 913  
 914  
 915  
 916  
 917  
 918  
 919  
 920  
 921  
 922  
 923  
 924  
 925  
 926  
 927  
 928  
 929  
 930  
 931  
 932  
 933  
 934  
 935  
 936  
 937  
 938  
 939  
 940  
 941  
 942  
 943  
 944  
 945  
 946  
 947  
 948  
 949  
 950  
 951  
 952  
 953  
 954  
 955  
 956  
 957  
 958  
 959  
 960  
 961  
 962  
 963  
 964  
 965  
 966  
 967  
 968  
 969  
 970  
 971  
 972  
 973  
 974  
 975  
 976  
 977  
 978  
 979  
 980  
 981  
 982  
 983  
 984  
 985  
 986  
 987  
 988  
 989  
 990  
 991  
 992  
 993  
 994  
 995  
 996  
 997  
 998  
 999  
 1000

Here I look on  
 Meursius for  
 brevities sake  
 but if you  
 please to read  
 severally, see  
 Aristoph. Sch.  
 p. 87. 98. 131  
 138. 455.  
 529. 647. 142  
 218. 227. 228  
 231. 233. 217  
 262. 264. 516  
 Aristid. T. 1.  
 p. 323. Clem.  
 Alex in Pro-  
 trop. p. 10.

22 \* Κυρία Ἐκκλησία. α. people. The second ἀλαλε μὲν  
 23 warned them to goe to the sea. The third day they sa-  
 24 crificed a Barble, because it devoures the sea hare, an eni-  
 25 mie to man. The fourth, two Oxen drew a basket re-  
 26 presenting Proserpine gathering flowres., which wo-  
 27 men following cried χεῖρε Δήμητερ, Haile Ceres. The  
 28 fift they ranne with torches. Hence λαμπάδουδρομία, and  
 29 λαμπάδων ἡμέρα. The sixt Bacchus was carried in pomp.  
 Héce is it termed ἰάκχθ. The 7<sup>th</sup> day they exercised in feats  
 of activity & he that overcame had wheat give him. The 8<sup>th</sup>  
 was Epidauria from Ἐσκαλαπίου his comming frō Epidaurus  
 to Athens to be initiated. In the ninth they filled two mea-  
 sures of corne, and setting one at East and the other at West,  
 they powred them out, one looking to heaven and crying γῆ,  
 the other to the ground, saying, πῆγῃ. Thus Meursius. That  
 day was πηνιμοχθῆ.

a Sympos. Q.  
 1. 9. 9. 6. & inl.  
 φιλοφιλία  
 φιλίας. p. 331.  
 b Lib. de doct.  
 Temp. i. c. 5.  
 p. 11. D.  
 \* Mæmactē-  
 rion is to bee  
 inserted here.

The second of this Moneth was left out ever, saies a Plu-  
 tarch, instead of which some are perswaded, the name onely  
 was omitted, as πέρτη for τεῖτη, which was recompenced by  
 ἐνδεκάτη φθίνοντος, or ἰσαμείκ, as in a defectiue Moneth δεκάτη  
 φθίνοντος, for the twentie. Of this iudgement is the b worthie  
 Petavius.  
 \* Pyanepsion. October.  
 This moneth tooke denomination from the feasts Pyanep-  
 sia. For mingling the remainder of their food after their ari-  
 ving, they put it into one pot, and seething it, were Ioviall al-  
 together at the same.

- 1
- 2 Κυρία Ἐκκλησία. ε.
- 3
- 4
- 5



6  
 7 Πυανέψια. After that *Theseus* had buried his father,  
 8 he returned safe from the death of the *Minotaur*, shee  
 9 would sacrifice unto him a pot of sodden beanes. Hence  
 10 πυανέψια, as it were, *κωμέψια*. For the antiques called  
 11 *Ανοδος εἰς τὰ θεσμοφóεια*. [beanes *πύμυς*.

12 Κυρία ἐκκλησία. γ.

13  
 14 Θεσμοφóεια. <sup>c</sup> *Plautus* calls this festivall *vigilias* <sup>c</sup> In *Aulularia*  
*Cereris*, which the *Attick* Dames

15 kept most sober and chaste, strowing their beds with *κο-*  
 16 *νυχα* for that purpose, it being an enimie to lust. They  
 17 prepared themselves with fasting, but after that tooke  
 18 Πρυτανεία. δ. their liquor freely. The number

19 of daies were three allotted, as  
 20 some, or foure, as others. When *Castellanus* saies that  
 21 *Ovid* makes them nine, is false; for that was the *Myste-*  
 22 *ria*, as we above haue shewne. They were done in ho-  
 23 nour to *Ceres*, that gaue lawes first, as shee is termed *Δη-*  
 24 *μήτης θεσμοφóρος*. Of these you may read <sup>d</sup> *Aristophanes* <sup>d</sup> Pag. 611.  
 and his *Scholiast*. 770. 782.

25 \* *Απαίθεια*. Kept this moneth. When the Parents <sup>d</sup> 783. 819. 820.  
 26 brought their children to their Tribes, to be enrolled, I <sup>d</sup> 829.  
 27 suppose for feare of deceit in patrimonies. Then they  
 made merry for foure daies.

28 Κυρία ἐκκλησία. 2. The first was *Δορπία*. The se-  
 29 cond *Ανάρρυπς*. The third *Κερεώπς*. The fourth, *Επίδα*.

30 Καλκεία. In honour to *Minerva*. <sup>f</sup> *Meursius* tea- <sup>f</sup> *Græcia Fe-*  
 ches us that they were celebrated the <sup>f</sup> *ria*. l. 1.  
 17 of this moneth, but *Petitus* hath  
 thus placed them.

Mamacteron. November.

This moneth is to be placed before Pyanepsion, as I have above given notice, but in this Almanack I follow Petitus, who so hath set it, though much against the opinion of other learned; as M. Selden, Petavius and others, whom I would haue you Reader to accept as for most approved.

- 1
- 2
- 3
- 4
- 5
- 6
- 7 Kupia *Κυπια*
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16

17 Kupia *Κυπια* Plutarch in the life of Aristides, saies that the Beotians, nay and Greekes send yearely some to sacrifice to the memory of those that died at Platea, and every five yeare they haue great pastimes, which hee sets downe the manner of.

Pag. 241.

22 This moneth is derived from Iupiter Mamactes: for I suppose they first found Gods, afterward festivals to them. Not the moneths first, and then named the Gods from them.

- 23
- 24
- 25
- 26

27  
28  
29

20  
22  
24  
26  
28

Posidon. December.

From Neptune, who is Posidon. For the first day of this moneth was sacred to him, as <sup>b</sup> Casaubon. Hence hee thinks it <sup>b</sup> In Theophr. Char. ult.

1  
2  
3

4 Κυρία Ἐκκλησία. α.

5 Λύαμα. Dionysia τὸ κατ' ἀρχάς. Without the citie, It seems when they had gathered in vintage and pressed their grapes. Λύνη Torcular. Then were they most jocund, as may appeare out of that. Like the voice of them that tread the wine presse, and in <sup>c</sup> Oppian. ὀπιλίωσα <sup>c</sup> Κωμῆγ. α. χαίρην. On which words <sup>d</sup> Conradus Rittarusus takes v. 127. <sup>d</sup> Pagina. 18.

10  
11  
12

13 Κυρία Ἐκκλησία. β.

14  
15

16 Λύα. A feast to Ceres. The day doubtfull. <sup>e</sup> Demosten. e Pag. 743.

17  
18  
19  
20  
21  
22

23 Κυρία Ἐκκλησία. γ.

24

74

25

26 Κυεῖα ἐκκλησία. δ.

27

28

29 Πρωταΐα. ε.

30

Gamelion. January.

1 From the marriages first made by *Cecrops*, of whom be-  
 2 fore we have spoken, and more you may read in *Tzetzes*  
 3 on *Lycophron*. That moneth wherein this people coup-  
 4 led, hence is called *Gamelion*, from γάμος, nuptia. It is sa-  
 5 cred to *Iuno*, who by the Poets is called *Pronuba* and *con-*  
 6 *ingalis*, President of weddings and the marriage bed.

7

8

9 Κυεῖα ἐκκλησία. α.

10

11

12

13

14

15

16

17

18 Κυεῖα ἐκκλησία. β.

19

20

21

22

23

24

25

26

27

28 Κυρία ἐκκλησία. γ.

29

Antheſterion. February.

1

2 Κυρία ἐκκλησία. δ.

3

4

5 Πρυτανεία. ζ.

6

7

8

9

10

11

Αἰθετήρια.

Kept in great mirth for three daies in the honour of Bacchus. The first

of this year may see Ariſtoph. p. 293.

12

from *πίδος* the tubs, and *ῥιγαν*, to open, for at the broaching of their veſſels they drunk ſtiffely. The ſecond

417. 419. 422. 222.

13

14

*χοαί* from *Χηκς*, a good capacious veſſel. In this he that

15

Κυρία ἐκκλησία. α.

could drink down the reſt of his companions had a

The day was called *χύτρα* likewise, but not in the ſenſe ſpoken.

16

golden crowne. The third *χύτρα*, I ſuppoſe different from *χύτρα*. From this Feſtival the moneth is named.

17

18

The twelfth of which *Dionyſia* in *Limnis* were kept, called *μεγάλα & ἀχαυτέρα*. The 13<sup>th</sup> were acted Comœ-

19

20

dies, begun the 3<sup>d</sup> yeare of the 93 Olympiad, when *Callias* was *Archon*. But after they were taught as *Ἄπο-*

a In Terent. p. 289.

21

22

*νατ* and *Ἰβριαν* witneſſe, and *Ἀριſτοφάνης*, *ὅτι μὴ δὲ σωπρέχει ὀπίδυμῶν τὰ κενὰ δὲ ῥομαία βλέπειν*, ſaies one.

b In Demost. p. 184.

23

24

Κυρία ἐκκλησία. β.

c Pag. 143.

25

26

27

28

29

30

Elaphebolion. March.

1

2

3

4 Κυρία ἐκκλησία. γ.

5

6

7 Θυσία Ἀσκληπιάγ. Κυρία ἐκκλησία. δ.

8

9

10 Πρυτανεία. η.

11

12

13

14

15

Contra  
Ctesiphont.

16 Διονύσια τὰ κατ' ἄστυ.

Of these *Æschines* makes mention, and you shall have them obvious every where in the Greek Authors.

17

18

19

20 Κυρία ἐκκλησία. α.

21

22

23

24

25

26

27

28

29 Κυρία ἐκκλησία. β.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30

Κυρία ἐκκλησία. γ.

Κυρία ἐκκλησία δ.

Μυνύχια. Πρυτανεία εἰάτη.

na, who was so called, and had a Temple in Munychia, by Athens. The moneth beares the name. In this moneth were the eyes of strangers indged.

To Jupiter Meilichius. The greatest day that the Attick route was kept in. See of this Aristophanes and Eustathius.

Διάσια.

Κυρία ἐκκλησία. α.

Munychia were observed to Diana,

a Avib. p. 609.

b Pag. 150.

174.

c Ismen. &c.

Ism. l. 1.

1

2

3

4

5 Κυρία Ἐκκλησία Β.

6 Θαρδύλια. Το Αρρο and Diana; holding it to be their na-  
 7 tivitie. On this day did they expiate for the sinnes of the  
 8 people. For they were wont to nourish some base men,  
 9 and of no account, at the publique charge whom in time  
 10 of pestilence, or the like they sacrificed for the sinnes of

<sup>a</sup> In Equites  
 pag. 353.

<sup>b</sup> In Ranis.

11 the citie, Twain number, saies the <sup>a</sup> Scholiast of Ari-  
 12 stophanes, whence they were called *ἑκκλῆστοι*: but more  
 13 properly *καθάρματα & φαρμακοί*, <sup>b</sup> Aristophanes.

14

15 Κυρία Ἐκκλησία. γ.

16

17

18 Κυρία Ἐκκλησία. δ.

19

20 Βενθίλια. Το Diana; who by the Thracians is  
 named *βένθις*.

21 Παναθωαία μικρά. Not much different from  
 the greater. See *Meursius*.

22 Κομωτήρια. Πρυτανεία. ι.

23

24 Πλωτήρια. *Petitus* places it on the 24 day, o-  
 thers will haue it the 25. Το *Minerva*.

25 να, on which they take off the ornaments of her statue,  
 26 and wash it I suppose, <sup>c</sup> *Plutarch*, <sup>d</sup> *Xenophon*.

<sup>c</sup> Pag. 152.

<sup>d</sup> *Επιμ. α.*

p. 257.

27

28

29

Scirropherion



Scirrophorion. June.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

Σκίρα. To Minerva. from σκίρα, a Canopie, under which her Priests did walke in pomp at that time: or from the statue of Minerva found in Scirus.

\* Schol. Aristoph,

c Pag. 497.

15 Βεφόνια. It was not lawfull anciently to kill an Oxe: wherefore when one had slaine that beast eating the meale provided for the sacrifice, hee slew him and fled, in memory of which this day was kept. Afterward they did mitigate the Law, and gaue licence to butcher an Oxe, so that hee was not for the plough. To which *Juvenal* may allude. *Vt vetulus bos*

725.

d Saty. 10. v. 268.

21 Κυρία σκκλησία. γ. *Qui domini cultris tenuē & miserabile collum Præbet, ab invito iam fastiditus aratro.*

22  
23  
24  
25  
26

Κυρία σκκλησία. δ.

27 Πρυτανεία. ἡ φυλὴ πρώτη, &c.

28 Where *Petius* makes the foure first Tribes to governe each his day, on those foure that abounded aboue the yeare, \* *Sigonius* seemes to agree, and \* *Manficus* ap-  
29  
30

\* Athen. Rep. l. 2. c. 3.  
\* In Notis ad Harpocra.

proues

\* De Doct. Temp. l. 2. c. 1. \* De emend. Tem. lib. 1. proves it. Neither is it disliked by \* Petavio. \* Scaliger hath falsely taught us other wise, who makes each Prytaneia to rule 36 daies, which none ever are to haue done, except the first foure.

## CAP. XI.

## De Tragœdiâ, Satyricâ, &amp; Comœdiâ.

**I**T is taken for grant among the Ancients, that *Homer*, who lived <sup>a</sup> 917 yeares before *Christi*, was the first that taught <sup>b</sup> *πραγματικῶς λέγειν*, to speake in *Tragœdie*; comprehending great and weighty matters in few words and very concisely, being more large and using circumlocution in matters of lesse consequence, which *Hermogenes* acknowledges to bee the propriety of a *Tragœdian*. This foundation being laid, following ages still built (though rudely) a structure to small perfection. Nam post illius tale tantumq; documentum, &c. saies <sup>c</sup> *Donat.* For after that *Homer* by the *Iliads* had represented a *Tragœdie*, by the *Odysses* a *Comœdie*, most ingenious imitators took those Poems and set them in order, and divided them, which at that time were inconsideratly, & without iudgement written, impolisht, and in the first rudiments not so neat and trim, as in proesse of time they were made. For Poesie was a great while in her minoritie, and very rude, after the first publishing of plaies. For we see little or nothing of <sup>d</sup> *Susarion*, the first *Comœdian*, worth our time: some few verses only, & so few as may but witness such an Author. The originall of the word *Comœdie* is supposed to be taken from divers reasons: First, because in their revelling, kept in honour to *Bacchus*, they sung them, and so it may be derived from *κῶμος*, *commesatio*; <sup>e</sup> *κῶμωσεν*, signifying *μετ' ἐμέθης αἰχρῶς ἀδειν*, to sing basely at the cup. Secondly from *κῶμα*, sleep; because when any of the *Attick* husbandmen had been injured, it was the custome (as before hath been spoken) for the party abused, to come in the

<sup>a</sup> Vid. Can. Chro. ad Gr. Epoch. Mar. Arund. p. 97. <sup>b</sup> Hermog. de Elog. Meth. p. 561. c. 33. Euth. in Præf. ad Iliad.

<sup>c</sup> Tract. de Trag. & Comœd. præfat. Terentio.

<sup>d</sup> Marmo. Arundel. & ad ea seld. CL. Præfixa etiâ Aristophan.

<sup>e</sup> *κῶμος*.

Sch. in Naz. stel. c. p. 106.

the night season into the streets, and with a loud voice cry, such and such reioyce in wrong, and commit such outrages, though there be Gods and Lawes. And after that, proclaimed the parties name, who on the morrow was fought out by the husbandmen and much shamed; by which these wrongs were redressed. Thirdly from κώμη, a street, because when the old Athenians would note a wicked mans life out to the world, meeting merrily in the streets and high waies, they laid open every mans life, and concealed not his name, <sup>f</sup> *In vicis & compita ex omnibus locis lati, alacresq; veniebant: ibiq; cum nominibus singulorum vitam publicabant.* These verses were first sung in the greene Meddowes, <sup>h</sup> about the beginning of the spring; When the husbandmen kept the festivals of Bacchus the God of Wine, to whom they sacrificed a Goat, because his biting is an enemy to the vine, the skin of which they took and sowed up close, filled with wine, and anointed it with oyle to make it slippery, and so hopped with one leg upon it, making themselves laughter at the falls they often rock. This sport they call ἀσκολιύζειν from ἀσπίς a skin and ἀλλεδαί, to leap, <sup>i</sup> Aristophanes. Ασκολιάζ' ἐνταῦθα πρὸς τὴν αἰθέρην. <sup>k</sup> Virgil hath fitly set it out.

*Non aliam ob culpam Baccho caper omnibus aris*

*Caditur, & veteres ineunt proscennia ludi:*

*Premiaq; lingentes Pagos & compita circum.*

*Thesidea posuere: atq; inter pocula lati*

*Mollibus in pratis unctos saliere per utres.*

After *Susarion*, sprang up *Thespis*, the first that made Tragedies, which by *Horace* are termed *Lachrymosa poemata*, sad poems; because they represent humane miseries, the misfortunes of Kings and great men especially, there being no place for a poore man, but only to dance, as <sup>m</sup> *Arrian* hath observed. Which thing gaue an occasion to <sup>n</sup> *Socrates*, when he saw the most worthy and rich put to death under the thirty Tyrants, to say to *Antisthenes*, doth it not repent thee that we in our liues never did some famous exploit? So in Tragedies we marke that

<sup>f</sup> Donatus de Tra. & Com.  
<sup>g</sup> Idem ibid.  
<sup>h</sup> In Synopsi vitæ Aristop.  
Th. Magister.

<sup>i</sup> Plut. p. 108.  
<sup>k</sup> Geor. 2. p. 71.

<sup>l</sup> Isa. Tzetzes in Proleg. ad Poetas, interprets κώμη, μέλισσα χρεία

<sup>m</sup> In Epictet. p. 95.

<sup>n</sup> Ælian. Var. l. 2. c. 11.

that such as *Atreus*, *Thyestes*, and *Agamemnon* are slaine; but what Poet was yet so impudent as to bring a base fellow on the stage sacrificed? Not supernumerary is that of *Euripides* for *K. Archelaus*, desiring that he would write a Tragœdie of him, who prayed that nothing proper to a Tragœdie might happen to him; meaning sorrow and lamentation. For so is

1 Athen. l. 3.  
p. 90.  
p Ad Marm.  
Arund

*Tragœdia* used, as *κωμῶδία* for joy and mirth, and glee conceits. The first Tragœdie that *Thespis* taught was that of *Alcestis* repriving her husband from death by her owne, as *P. M<sup>r</sup> Selden* hath coniectured. This *Thespis* was forbidden by *Solon* to act his Tragœdies, as *ἡ ἀνωφελεῦ ἄδολογίαν*, a fruitlesse lying. *Horace* of him thus speakes.

4 Laert. in  
Solone. p.  
49.

*Ignotum tragica genus invenisse camæna  
Dicitur, & plaustris vexisse poemata Thespis.  
Quæ canerent agerentq; peruncti fœcibus ora.*

7 In Horatii  
Poeticen.

Vpon which words some haue written that his Poems were so voluminous, that he was constrained to bring them upon waines. But alasa poore conceit! *Franciscus Lusitanus Uticensis* is of opinion that *Thespis* carried his scene upon carres: and *Acron*; That the *Chorus* carried about in waines acted

8 Schol. Arist.  
p. 142.

Tragœdies. *Chori plaustris circumducti Tragœdias agebant.* I avouch that at the first the Poets acted alone their owne Fables; And to me it seemes a ground for to stand on, the

9 In Demost.  
p. 40.

Greek Authors by the word *ὑποκριτῆς*, intimating a Poet. *ὁ ἀρχαῖος ὑποκριτῆς*, &c. The ancients, saies *Vlpian*, called the Poets *Hypocritas actors*, which we now terme *Tragœdi*, such as *Euripides*, *Aristophanes*, &c. The place in which they sung their Poems, was a Scene upon a waine drawne in procession

10 Stel β pag.  
107.

to the honour of their God *Bacchus*, as among the *Greekes* the custome was, saies the Scholiast of *Nazianzen*. Of the manner in those ancient times, *Plutarch* shall thus informe you.

11 \* *πεὶ φιλόπυς*  
p. 343.

*Ἄμφοδ' ὄινου καὶ κληματῆς*, &c. A pot of wine and a vine twig, then one drawing a Goat, next another with a basket of figs, and last of all the *Phallus*. In which solemnitie the Poets in waines following the pomp, might without controle laugh, scorne, and deride any they met, saies *Dionysius Halicarnassensis*,

12 Antiq. Rom.  
l. 7.

*scans,*

*sans*; or were wont, as the y Schol. of Nazian. to rayle upon y Loco laud. each other. whence *πιμπάειν*, is as much as to convitiate im- pudently, ( though in a good sense sometimes z to celebrate the pomp, or goe in proceffion in honour to the festivall ) and z Hermog. Meth. de Elo- quentia, c. 2. p 519. a *πιμπεία*, a scandall or reproach, *ὕβρις, λοιδορία*. Whence like- a Dem. pro Coron. p. 134 b Schol. Arist. p. 142. c Vlpian. in loc. cit. Dem. wise came the Greek proverb, b *ὡς ἐξ ἀμάξης λαβεῖν, tanquam ex plau- stro convitiari*, and c *ὡς ἐξ ἀμάξης ὑβρίζειν, tanquam ex plau- stro convitiari*, to giue reins to the tongue, to be free in abuse. Which that they might doe the better without shame, or blushing, sometimes would they anoint their faces *amurca, olei face*, with the dregs of oyle, saies *Donat*, or of wine ( for so I interpret *τέτρα* ) from which Poets by d *Aristophanes* are called *τέτραδάμονες*. *Horace*--*Peruncti fœcibus ora*. Sometimes would they put on vizards, e which least they should hurt the head, were defended from the skinne with a wollen cap, na- med *πλίδιον*. A word elegantly used by f *Demosthenes*, in a Metaphor drawne from the liberty and impunitie of the per- sons that wore it. *οὐκ οἶμι δίκην δάπειν τηλικέτων κ' ἰστέτων ἀδι- κημάτων κ' ἂν πλίδιον λαβὼν ἐπὶ τῷ κεφαλῷ*. Thinke not to e- scape scot-free for such villanie, though you get a *pileum* on your head. We may apply it in threatenng to any slanderer, of whom we surely intend to be revenged. But I seeme to for- get the Poet, while I speake of the stage, I will therefore re- turne to him. *Thespis*, as I said, was the first that invented Tragœdies; so called, as *Donat* tels, because (least there should be rewards wanting, by which good wits might be stirred up to write, and men encouraged to get them tunable voices ad *dulcedinem commendationis*) they gaue the Actors a Goat. *Ca- per namq; pro dono his dabatur*. *τέτρα* is a Goat, and *ᾠδή* a song. *Horace*, *Carminē qui Tragico vilem certavit ob hircum*. Before that time some say that *Epigenes* the Sicyonian made Tragœdies, but the most receaved opinion is this which *Ho- race* hath set downe of *Thespis*. Before him there was no art of poesie Tragicall, but at their festivals, when they ascribed all their mirth and delight to their Gods, they did it especial-

y Loco laud.  
z Hermog. Meth. de Elo- quentia, c. 2. p 519.  
a Dem. pro Coron. p. 134  
b Schol. Arist. p. 142.  
c Vlpian. in loc. cit. Dem.  
d Nubibus p. 141.  
e Vlpian. in Dem p. 254.  
f De falsa Legatione.

ly to *Bacchus* (and so afterward, when Actors are called  $\Delta\iota\omicron\gamma\upsilon\tau\alpha\iota$  *Orat.*  $\mu\upsilon\sigma\iota\kappa\omicron\upsilon\tau\epsilon\varsigma$   $\tau\epsilon\chi\upsilon\iota$ ), and  $\tau\epsilon\chi\upsilon\iota$  simply by *Demosthenes*, by *Donat* *eg. p. p. 242* *Artifices*. The word is used for Jugglers, and such as *Hokus Pokus* in *Theophrastus*) they would fealt, and afterward scoffe and deride each other, which grew afterward a part of their solemnitie. They would moreover dance at rude Musick, and from thence suppose they the *Chorus* to have sprung up. They would likewise cast forth  $\alpha\upsilon\tau\omicron\gamma\epsilon\delta\alpha\kappa\upsilon\alpha\lambda\alpha$ , as they terme them, in *Virgil's* language, *versus incomptos*, *Numeros innumeros eo tempore fundi solitos & sine arte*. For they had of old but two sorts of verses, *Heroicks*, in which they sung the praise of Gods and Noble men, and from this in a short time, with small care grew a *Tragædie*; the other sort was *Iambicks* as toying and lascivious as the *Phallica*, but biting too, & from hence came a *Comædie*. At first small was the difference betweene a *Tragædie* and *Comædie*, *constat sane, primis temporibus ignoratum fuisse discrimen inter Tragædiam & Comædiam*, and the reason is, because even *Tragædies* had their wantonnesse and petulancie. At first they sung in honour to *Bacchus* *Dithyrambicks*, and afterwards neglecting him they praised their *Demi-gods*, which when the people saw they cryed downe, with  $\text{Οὐδὲν οὐδὲς Διότυπον}$ , whence our proverbiall adverb is fitly used  $\alpha\upsilon\tau\omicron\gamma\epsilon\delta\alpha\kappa\upsilon\alpha\lambda\alpha$ , for nothing to the purpose. But to giue content to the people, the *Satyres* did *preludere*. But after that, when a *Tragædie* tooke state they excluded the *Satyres*, and were only for sad and serious persons; by which mournfull-poëms the people were wont to be cast down; sympathizing with the person represented, therefore to cheere them a *Chorus* of wanton *Satyres* were brought in by *Thespis* as *Horace*.

*De arte Poet.*

*Mox etiam agrestes Satyros nudavit, & asper  
Incolumi gravitate, iocum tentavit, eo quod  
Illecebris erat & grata novitate morandus  
Spectator, functusq; sacris, & potus & exlex.*

In a *Satyrick* play, *Satyres* haue a *Chorus* place, or else the persons

persons are Satyrick and ridiculous, and for the easing of the  
 mindes of the spectators, they would bring in Satyres for  
 sports sake; and many of their Tragœdies had some mixture  
 of Satyrick sport, saies <sup>a</sup> Casaubon. *Fuisse aliquando pluribus* <sup>a P 139 de</sup>  
*Tragicis Dramatis interjectas Satyricas fabulas.* Of this I say <sup>Sec. Poet.</sup>  
*Theſpis* was the first inventer, who likewise to ease the *Cho-*  
*rus* (° for that acted only) brought one actor upon the stage, <sup>eLoert. p. 215</sup>  
 to whom *Æschylus* added one, and *Sophocles* another, so the  
 number was three, *Æschylus's* is *ἀδελφωσις*, *Sophocles* his  
*κρυπτοσις*, a word put for an obscure & bale fellow in <sup>p De- p 184.</sup>  
*mosthenes*, *Vlpian*, *ὡς ἀδελφώτατος ἢ κρυπτοσις*, speaking of  
*Æschines*, if I remember, *Tully* calls them Actors *secundarū*  
*& tertiarum partium.* ¶ *Ut in actoribus Græcis fieri videmus,* <sup>q In divinat.</sup>  
*sæpe illum qui secundarum & tertiarum partium, cum possit ali-*  
*quanto clarius dicere, quam ipse primarum, multum summitte-*  
*re, ut ille princeps quam maxime excellat.* But let mee speake  
 what I haue to say of a Tragœdie. <sup>a</sup> None was permitted  
 once to act *Æschylus*, *Euripides*, or *Sophocles* his Tragœdies, <sup>a Plutarch. in</sup>  
 but they were to bee recited by the Scribe, that the Actors <sup>vita X Rhet.</sup>  
 might (as I conceaue) repeat them. *Τὸν δὲ πόλεως γογγυσία*  
*ἀναγνώσκων τοῖς ὑποκειμένοις, ἐν εἶναι ἢ αὐτὰς ὑποκει-*  
*νέσθαι.* And to this purpose by a law of *Lycurgus* the Oratour  
 were they commanded to be transcribed, and kept under cu-  
 stodie *ἐν κοίτῃ.* Yet the <sup>b</sup> Author of the life of *Æschylus* <sup>b Iuxta finem</sup>  
 writes, that the people made a decree, that he should receaue  
 such a summe of gold, that would *διδάσκων* the plaies of *Æs-*  
*chylus* after his death. I put the word *διδάσκων*, *docere.* Because  
 Tragœdians as well as the Comœdians were said. *εἰς διδασχῶν*  
*ὧν ἀεσοῦσθαι ἐργαζόμενος*, to labour in teaching the people. And  
 for this end did the ancients lay out so much mony upon their  
 Theaters. <sup>c</sup> *Sed immane quos quantosq; sumptus, in Theatra,*  
*in Comœdiarum ac Tragœdiarum representationem fecerit an-*  
*tiquitas. Cum non mores tantum ab utrisq; emendari, ac pru-*  
*dentiam conferri, sed & scripta antiquissima, & formas Reipub-*  
*licæ, ac vitam magistratum; cum summo spectatorum fructu,* <sup>c Heinſius</sup>  
<sup>Poleg ad A-</sup>  
<sup>ristarchum</sup>  
<sup>Sacrum.</sup>

in Comœdia examinari, factiones componi, ac gravissima subinde publico suppeditari crederent consilia. Not unfitly therefore did the Poet reply to the people that carped at him in the Theater: *I came hither to teach you, not to be taught by you.* Hence of a Tragœdie or Comœdie the Greeke writers say, <sup>d</sup> *ἡδύ(α)*, *docetur fabula*, and *διδάσκειν*, *docere*, as sometime <sup>e</sup> *Athenæus*. The following Poets did not alwaies represent their owne Fables, but oft-times their predecessors; so saies <sup>f</sup> *Quintilian*, the people permitted the works of *Æschylus* to bee dealt with, because in many places his verses were not set in order. Hee brought great grace to the stage, and first taught *σκωμογραφία*, the painting of the Scenes; which some thinke *Horace* to ayme at, when hee saies, *Modicis instravit pulpita cignis*. Which because it was perfected by *Sophocles*, is thought (nay spoken affirmatiuely by some) to haue beene invented by him. *Sophocles* indeed did *πολλὰ κεινὰ γενέσθαι*, bring in many new things: such as leaving out the action of the Poet (for before the Poet himselfe acted) by reason of the badnesse of his owne voice; hee found out white shooes, which the Actors and Dancers wore; he made the number of Dancers fiteene, before but twelue; hee fitted likewise his Tragœdies to the natures of the Actors, &c. but that he invented *σκωμογραφία* I cannot finde. Somewhat like-  
<sup>g</sup> *T. Magister*. wife was added by *Euripides*: as to set out the Argument of the Fable in the beginning of the Tragœdie, as you may obserue; leading the Auditor, as it were, by the hand to the last and principall point of that one action which hee would represent, which by the glory of our nation, <sup>h</sup> *Sr Philip Sidney*, is not past by, as frivolous, without noting. These three were the Princes of Tragick stile, who exhibited to the People every yeare at some certaine solemnities their Poems, striving who should get the victory by the approbation of Iudges, chosen for that purpose, called <sup>i</sup> *Διονυσιακοὶ Κριταὶ*, and <sup>k</sup> *Κριταὶ ἐν Διονυσίῳ*; Tenne in number, think some, at first, gathering out of *Plutarch*, in the life of *Cimon*, authoritie for it. Because

<sup>d</sup> Athenæus  
 Dip. l. 6. pag. 268. vide Casaub.  
<sup>e</sup> Pag. 270.  
<sup>f</sup> Lib. 10.

<sup>g</sup> T. Magister.

<sup>h</sup> In the defence of Poesie.

<sup>i</sup> Heinsius in Proleg. ad Aristarchum sacrum.

<sup>k</sup> Æschines cont. Ctesiph.

cause



cause when hee had brought the Reliques of *Theseus* out of *Scyrus*, *Aphepsion* the *Archon*, in gratulation to him, chose not the Iudges as soone as the Theater was filled, and spectators placed; but presently after *Cimon* entred the Theatre with nine more of his fellow Captaines, of each Tribe one, after accustomed sacrifice he swore them Iudges, who gaue the victory to *Sophocles*, but then young; for which *Aeschylus* grieving went into *Sicilie*, where he died, and was buried neare *Gelas*. But out of this place we cannot proue that the number of these Critick Iudges was alwaies Tenne. This we acknowledge done in testimonie of high acceptation of *Cimons* service. And yet in iudgement upon Tragœdians, the number might be so great. For there seemes to bee a difference betweene the Iudges of Tragœdies and Comœdies. The number of Tragick Iudges, grant we haply to be such as we speak; the power incontrollable, as from whom there was no appeal to others. <sup>m</sup> *Cum neq̄ provocatio ab iis esset, neq̄ de quibus illi iudicarent, magistratus ceteri sententiam pronuntiarent.* The Comick Iudges were in number but five, from whence came the Greek proverb, <sup>n</sup> *Πέντε κείνῳ ἐν γύνασι κείῳ.* *sub quinque Iudicibus lis est.* The <sup>o</sup> Scholiast of *Aristophanes* speakes somewhat uncertaine. Iudges, quoth he, passe censures upon the Comœdians, & they who had five voices were happy. Those were all. For if there had beene tenne of them too, it would haue made nothing to the Poets felicity to haue had equall voices. For the odde gaue a great stroake. Hence wishes the *Chorus* in the behalfe of the Poet <sup>o</sup> *Ἐνὶ κείῳ νικᾷν μόνον,* to bee Victor by one voice onely. Another difference is that, whereas the Tragick Iudges had free liberty of suffrages beyond the power of the people, the Comick had not: For whē *Aristophanes* taught his *Νεφέλαι*, they so much tooke the people, that they applauded the Poet, cried him up Conquerour, <sup>o</sup> *ἡ προσέτατον τοῖς κείῳ ἀνώτερον Αἰσχροφάνῳ, ἀλλὰ μὴ ἄλλον γράφειν,* saies <sup>p</sup> *Ælian*, and commanded the Iudges to write *Aristophanes* uppermost (as the fashion was, which <sup>q</sup> *Aristophanes*

<sup>l</sup> Plut. Cimon. p. 352. l. 39.

<sup>m</sup> Heinsius loco laudato.

<sup>n</sup> Zenobius. <sup>o</sup> Ad Aves p. 562.

<sup>p</sup> Var. H. l. 2. <sup>q</sup> Avib. p. 562.

nes

nes calls *αἰετῶδες* ἐν πρῶτοις, the most excellent first, the next to him second, and next to him third (which was no small praise, according to that of *Quintilian*, as I remember, *Honestum est in secundis tertiusve consistere*) and no other. For which cause I suppose the Poets before reciting, were wont to sacrifice, and pray for the favour of the Iudges and spectators. \* *Aristophan.*

r Loco laud.

Ομνυμι ἐπὶ τέτοις πᾶσι νικᾶν τοῖς κείλοις

Καὶ τοῖς θεαταῖς πᾶσι-- Where the Scholiast interprets

ὁμνυμι truly as it is to be understood, *ἔρχομαι*, to supplicate. And good reason. For if they pleased not the people in reciting,

f Raris p. 248

they were overwhelmed with stones. To which use \* *Aristophanes* points, saying -- ἐκ ἐβάλλετο; nay sometime would they hiss them, which they terme *κλάζειν* and *σειτίζειν*, sometime stamp them out of the Theater, which they call *πέρνοκο-*

r Lib. 6. c. 19.

p. 203.

u *Æschines*  
contra *Ctesiph.* p. 98.

*πέν*, by \* *Pollux* interpreted *ἐδώλια ἢ πέρνας κατακράζειν*. Another difference is that <sup>a</sup> the Comick Iudges were punished if they iudged not right, the Tragick not so. And for these reasons haue some conjectured, nay positiuely written, that their Iudges were of two sorts, old and new, in which matter, if there be place for a coniecture, mine is, that they confounded both, making no oddes betweene the Critick Iudges of Tragedies and Comædies. But of this, Reader; you may determine as your Authors shall afford authority. Before Iudges, as I said, the Poets in emulation presented their labours, and they who in their opinion lost the day, were said \* *ἐμπέπειν*, by \* *Casaubon* interpreted *non stare*. The time of exhibiting their Tragedies, were the holy daies of *Bacchus* called *Dionysia* in *agris*, or *Lenea*, in the moneth *Posideon*, on the *Antheateria*, or *Dionysia* in *Limnis*, in the moneth *Anthesterion*, on *Dionysia* in *urbe* in the moneth *Elaphebolion*, to which I finde added the *Panathenea* by *Thrasylus* in *Laertius*, which some deny, yet the same write that when *Sophocles* exhibited but one, it was at this festivall. I say but one, because it was a custome among the Poets of ancient daies to entertaine their people

\* *Heinsius*  
*Prolegom.*  
r *Sat. Poeti.*

y *Platone*  
pag. 20.

with

with more plaies then one. *Mos autem Tragicorum Græcorum fuit Athenis, ut modo singulas committerent fabulas, modo plures,* saies <sup>z</sup> *Casaubon*: Sometime in the same yeare three, and then was it called *τριλογία*; sometime foure, and then they stiled it *τετραλογία*, <sup>a</sup> *Τὰ ἢ τέτραρα Δράματα ἐκαλεῖτο ΤΕΤΡΑΛΟΓΙΑ*. Whereof, saies mine Author, the fourth was a Satyricall play, the three other now treating of the fortunes of one and the same man, as those of *Æschylus*, named therefore *Orestia*; to wit, *Αγαμέμνων. Χοηφόρος. Ευρυπίδης*. Which are all extant; the fourth was *Proteus Satyricus*. At other times they were not of the same subiect, as that of *Euripides. Medea. Philoctetes. Dictys*. The fourth was *Θεμισα*, saies the Author of the argument to *Medea*. Where the interpreter seemes to me not to reach to the expression of the Greek word *Θεμισα*, *Σάτυρος*; *Messores, Satyros*; he ought to haue rendred it thus, *Messores, Drama Satyricum*. For that the word beares this sense is sufficiently dilucidated by <sup>c</sup> *Casaubon*. That the greatest task of action lay on the *Chorus*, is as apparent as the Sun at noone. The number of them in Comœdies were twentie foure, and six *ingæ* (each *ingum* consisting of foure; but *σοῖχοι* foure, each *σοῖχος* six men) in Tragœdies fifty, untill the time of *Æschylus* his *Emmenides*, the number of which so terrified the people, <sup>c</sup> that the children and younger sort fainted, & the women suffered abortion; for which reason, saies *Pollux*, the number was lessened (which some deny) by law. They were by that Act brought to fifteene, five *ingæ*: I say *ingæ*, because they were divided into *σοῖχος*, and *ζυγά*. *Ζυγόν* was when the *Chorus* entred by three, & then it was called *κτὶ ζυγὰ πέντε*, by file. *Σοῖχος*, when they came on the stage in ranke five at a time; and this they terme *κτὶ σοῖχος*. Sometime one of them entred alone, which they say *καθ' ἑνα*. Of interlocutors the ancients for the most part never had aboue three; but if a fourth spake, that they named *ἑξαχρήσιμα*; and if the *Chorus* supplied the part of a fourth actor, it was stiled *παρασύνδιον*. To speak of the severall verses of Tragœdies, is *actum agere*:

<sup>z</sup> De Satyrica Poesi p. 31.

<sup>a</sup> Laerrius loco citato.

<sup>b</sup> Lib laudat.

<sup>c</sup> Author vitæ Æschyli.

and I had rather speak of the action, then the art in composing and yet not much, only this of their motions, termed *σποραὶ* & *ἀντισποραὶ*. Σπορῆ, saies the Scholiast of *Pindar*, is a turning from the right hand to the left, in analogie to the motion of the universe τὸ πᾶν τὸς, from the East to the West; because *Homer* calls the East the right hand, the West the left: Contrary to the Hebrews, who terme the South *Jamin*, which signifies the right hand, and the North they counted the left. *Αντισπορῆ* was a turning from the West to the East, that is from the left hand to the right, as the Planets moue. Another posture they had in their *Epodes*, for (if it be so in *Tragœdies*, as in *Lyrick Musick*, which I beleue) to expresse the immobility of the earth they stood still. They used *Epodes* for the most part at the end of the Acts, when the players avoided the stage. Thus much of *Tragœdies*; the authors of which were highly of old esteemed of; insomuch as after the dismall discomfeite of the

d Plut. in fine  
vitæ Niciæ.  
e Plut. in vit.  
x. Resp. Paul.  
Atticis. p. 18.

f De arte Po-  
etica.

\* Grammat.  
ἡ παλαιὰ ἐ-  
στὴν διαφέ-  
ρη.

*Athenians* in *Sicelie*, they were relieued, who could repeat somewhat of *Euripides*. Nay, by a law made by *Lycurgus*, & established in *Athens*, *Aeschylus*, *Sophocles*, and *Euripides* had statues erected in brass for the continuation of their memorie. After *Tragœdies* had proceeded to perfection, *Comœdies* were with great applause taught, as *Horace*,  
*Successit vetus his Comœdia, non sine multa  
Lande--*

He saies, *vetus Comœdia*, because a *Comœdy* was divided into three, or if you please so to speak, two sorts, the Old and New. I said three sorts, because \* the old was different from it selfe. The meaning is, that the old *Comœdie*, of which *Sussarion* (by some named *Sannyrion*,) was author, tended onely to laughter, being without order and decencie. For the *Chorus*, now walking, now dancing about the smoaking Altars, sung *simplex carmen*, some naked verse, saies *Donat*. Which by *Crainius* was redressed; for he ordained three Actors, and mingled with his sport, profit, I meane for instruction. For under the *Democracie* it was lawfull to exagitate and propose  
for

for a laughing stock Captaines & corrupt Judges, Citizens given to bribery, and such as lead a dissolute life, naming the men upon the stage and fitting the Actors with vizards, bearing the shape of those whom they intended to deride. But as the state grew to an *Oligarchie*, that licence was taken away, *Eupolis* being cast into the sea by those, against whom he wrote his Comædie *Bapta*, and so drowned. Nay, there was a law enacted not <sup>a</sup> ὀνομασι Κομωδεῖν, to name any whom they wrote the Comædie of. Of which *Horace*,

<sup>a</sup> Hermog. Partiti. p. 76.

--Sed in vitium libertas excidit, & vim  
Dignam lege regi. Lex est accepta, Chorusq;  
Turpiter obtinuit sublato iure nocendi.

But when *Alexander of Macedon* grew potent and a terror to *Greece*, the Poets fearing least any of their abusive wit might displease the great *Macedonian*, they changed the Argument of their plaies, and instead of abusing states & people, they fell upon ancient Poets, or some part of Historie not truly written, personating the Actors so as to be most ridiculous:

<sup>b</sup> sometimes scoffing on the stage at meane men, and this they termed Νέα Κομωδία, the new Comædie. But afterward it was a peece of the *Athenian* policie to forbid that the people should be tossed on the stage, unless they would themselves, saies <sup>c</sup> *Xenophon*; knowing that none were wont to be brought thither but the wealthier sort, πλοῖοι, ἡρώδιοι, δωδύχοι.

<sup>b</sup> Donat. Generaliter ad omnes homines qui mediocribus fortunis agunt, &c.  
<sup>c</sup> Athen. Rep.

Some are of opinion that no Player came on the stage untill thirtie or fortie; I dispute not the matter; sure I am that *Sophocles* taught his first Tragædie at twentie eight, in which doubtlesse himselfe came on the stage. It being among the *Athenians* no disgrace, as the *Romans* accounted it, to appeare there. <sup>d</sup> *Emilius Probus*. In scenam verò prodire, & populo

<sup>d</sup> Præfatione ad vitas. p. 2.

esse spectaculo nemini in eisdem gentibus (*Græcis*) fuisse turpitudini: quæ omnia apud nos partim infamia, partim humilia, atq; ab honestate remota ponuntur. The place where the people beheld these plaies and pastimes was in the market place,

<sup>e</sup> where they nayled scaffolds to a black poplar tree. For in

<sup>e</sup> Meurs. Attic. Lect. 1. 4. c. ult.

ancient time they had no Theater of stone, onely of wood,  
which they call *ικεία*.<sup>f</sup> *Aristophan.*

f *Theophr.*  
p. 787.

--Από τῶν ἰκρίων

Υποβλέπεσ' ἡμᾶς--

g *Casaub. in*  
*Theoph. p.*  
245.

h *Zenobius.*

i *Cont. Leo-*  
*cha. p. 617. n.*  
50. 51.

k *Olynth. 1.*  
p. 7.

l *Lacon. apud*  
*Plut. Mor. p.*  
421.

m *Lib. 6. sine.*

These were built by some, who upon some consideration of money admitted any to a seat, named therefore *θεατρῶναι*. Once it seemes places were not hired. But there grew great enormities and abuses. For striving to get places, there rose wrangling and brawles, and fights, wherefore the *Attick* Senate ordained that each place should be hired for two *oboli* (in the Consulship of *Diophantus*, a *Drachme*, say some, whence rose the Proverb,<sup>h</sup> *Δραχμὴ χαλῶσα*; because at the establishing of it, there fell haile) This mony they called *θεωεικόν*, from *θεωρεῖν*: because with it they did *θεῖαν ἀγορῆν*, buy a seat to behold the shew exhibited. Now because the poore people had not to giue, & so were deprived of the spectacle, *Pericles* desiring to be popular, made a law that they should receiue out of the Cities revenues two *oboli* each man. <sup>i</sup> For the right of exacting which mony, they were to produce the authority of the *Lexiarchicall Rolles*, as appeares out of *Demosthenes*. For the distribution of this were certaine officers appointed, named *οἱ ἐπὶ θεωεικῶν*. But afterwards *Apollodorus* stroue that in warre and publike necessity, these summes might be imployed in military affaires, but hee endeavoured in vaine; *Eubulus* in flattery to the people, enacting it capitall for any that should attempt that which *Apollodorus* did; Which makes <sup>k</sup> *Demosthenes* desist, willing, yet not daring to perswade to convert the money to the use of the Armie. But see the folly of them! <sup>l</sup> For they spent as much on these sports as in obtaining the Masterie and liberty of *Greece*. And the end was miserable: for they became effeminate, and so put their necks under the *Macedonian* yoake. <sup>m</sup> *Iustin* of the death of *Epaminondas*. *Siquidem amisso, quem emulari consueverant, in segnitiam torporemq; resoluti, non ut olim in classem exercitusq;, sed in dies festos, apparatusq; ludorum, redditus publicos*

publicos effundunt: & cum auctoribus nobilissimis, poetisq; the-  
 atra celebrant, frequentius scenam, quam castra visentes. Versi-  
 ficatores Oratoresq; meliores, quam duces laudantes. Tunc ve-  
 ritigal publicum, quo ante milites & remiges alebantur, cum ur-  
 bano populo dividi cœptum est. Quibus rebus effectum est, ut  
 inter otia Græcorum, sordidum & obscurum antea Macedonum  
 nomen emergeret, &c. Of the Theater I will say little, as al-  
 so of the stage: Only that the places in the Theater were not  
 promiscuous. For there was a distinction betweene the Se-  
 natours and younger sort. The Senators was named <sup>n</sup> βελαν- <sup>n</sup> Aristoph. p.  
 κδν, among which it is probable the Iudges had the first place, 578.  
 as <sup>o</sup> Pollux. The seats for the youth were called Εφηβικόν. One <sup>o</sup> Lib. 4. c. 19.  
 part of the stage was *Orchestra*, in which was Θυμέλη, either P. 202.  
 a Tribunal or an Altar. That upon all their stages there was  
 an Altar sacred to *Bacchus*, is apparant out of *Dōnat*: he saies  
 it stood on one side of the stage, before the doores, *Pollux*: who  
 names it *Αλδς*. There was moreover a Table called *Ειλεδς*,  
 on which before the time of *Thespis* some body ascending in  
 the Poets place, did answer the *Chorus*. <sup>p</sup> *Plutarch* thinks <sup>p</sup> De Musica.  
*Θέατρ* to be derived from *Θεδς*, because that before the buil- P. 441.  
 ding of Theaters the ancients embracing *Musick* only for in-  
 stitution of youth and praise of their Gods, sung the commen-  
 dation of good men, and honour of their Deities in Temples.

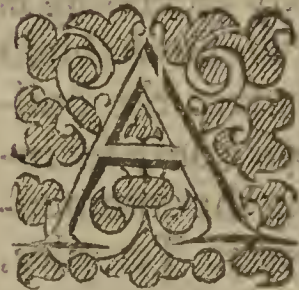


# LIBER TERTIVS.

## CAP. I.

*De Legumlatoribus Atticis. Νόμοι, ἄρχοι κ' ἔγγραφοι.  
Ἰνρι. Cua. Περ. Ἐλάδου. De sancendis Legibus.*

a Lib. 2, p. 27



b Arist. Plut. pap. 67.  
c In Theseo p. 8. l. 2.

d Problem. Γμ 10'. αρ. κή. fol. 189. b.

S<sup>a</sup> Justin hath beene too forward in relating the mutation of the Athenian goverment, passing by the perpetuall and decennal Consuls, and naming only the yearely: so hath he erred in the originall of their Lawes; making Solon the father of them. But it seemes otherwise. For, as Gerardus hath observed, Theseus gaue Lawes to the Athenians. And Plutarch witnesseth, that when he congregated the Attick people, and constituted a Democracie, he reserved only to himselfe the government of war and custodie of the Lawes. Δημοκρατίαν ( αὐτῶν ) μόνον ἀρχὴν πολέμου κ' νόμων φύλακιν χρησαμένῳ. Adde to this, that before the knowledge of letters & writing, it was a custome among the ancients to sing their Lawes, least they might forget them, used in the daies of Aristotle by the Agathyrsi, a people neare to the Scythians. Whence afterwaras the rules



rules of Musick, for the true keeping of time, singing, & playing, are supposed to be called Νόμοι. Neither may it be thought otherwise, because all the notes of the *Lydian, Hypolydian, &c. Dorick, Hypodorick, &c. Phrygian, Hypophrygian, Ionick, &c.* songs were distinguished by the Alphabet.

<sup>e</sup> Vide Alypi-  
um in Isagoge  
Musica.

Yet <sup>f</sup> *Plutarch* is of opinion, that they derived the word from those bounds, which the Musicians of old prescribed, for the tuning of voices or instruments, least they might be confounded; and therefore he calls it *οικείαν τάσιν*.

<sup>f</sup> In libro de  
Musica.

<sup>g</sup> *Idem*. Νόμοι ὡς ἄνθρωποι, ἐπειδὴ ἐκ ἐξέω παραβλῶαι καὶ δίκασον νόμοισιν ὡς ἄνθρωποι.

<sup>g</sup> Loco citato  
pag. 437.

The *Greekes*, saies <sup>h</sup> *Cicero*; think the cause of this word, *ius suum cuiq; tribuendo*; intimating *νέμειν*, which signifies to distribute, because the Law gives every man his due. Thus see we, that there were Lawes of yore; let

<sup>h</sup> De leg. lib.  
1 fol. 16. b.

<sup>i</sup> *Justin* say, *Nulla civitati leges tunc erant, quia libido regum prolegibus habebatur*; That the Citie was without Law; be-

<sup>i</sup> Loco laudat.  
<sup>k</sup> Clem. Alex.  
p. 226.

cause the wills of Kings were Lawes. In succeeding ages, &

<sup>l</sup> Variæ hist.  
l. 8. c. 10.

before *Solon* too, *Dracogauæ* Lawes, living about the three

<sup>m</sup> Arg. orat.  
con. Lepti.

<sup>k</sup> hundred and ninth *Olympiad*. His Acts, saies <sup>l</sup> *Ælian*, were

<sup>n</sup> Polit. 2. c. 10  
<sup>a</sup> Arist. Rhet.  
l. 2. c. 44.

called *θεσμοί*. *Ἐκαλέοντο δ' ἐπεινοὶ θεσμοί*. Now *θεσμός*, by

<sup>b</sup> Plut. in So-  
lone. p. 63. l. 2

<sup>m</sup> *Vlpian* is interpreted *νόμος ὡς θεοὶ δύνανται πῶς δεῖ νομοθετεῖν*. A Law giving in precept how to make a Law. And yet

<sup>\*</sup> Demosth.  
p. 70.

<sup>a</sup> *Aristotle* calls them *νόμοις*, giving them this commendation,

<sup>\*</sup> His lawes  
continued 100

that they are not worth remembrance, but for their great se-

yeares, saies  
Plutarch. in

verity. Which gave occasion to <sup>a</sup> *Herodicus* to say, that they

strength. In  
Solone p. 66.

were not the Lawes of man, *ἀλλὰ δράκοντες*, in a double sense

<sup>c</sup> afterward  
by little and  
little decayed.

of the word, which is also put for a Dragon. And <sup>b</sup> *Demades*,

*Ælian*. Var.  
lib. 1. 2. c. 22.

that they were not written with black, but blood. For he pu-

If any spake  
against them,  
he had corpo-

nished every peccadillo almost with death, those that were

ra'll punish-  
ment.

convicted of idlenesse, or stealing of pothearbs, alike the sacri-

legious and man-slayers. Wherefore were they made of

none effect by *Solon*. For he abrogated all, except those which

concerned murder, intituled \* Φ Ο Ν Ι Κ Ο Ι Ν Ο Μ Ο Ι. Him

succeeded \* *Solon*, a man so well tempered, and equall be-

twixt the Commons and the Peeres, that hee was beloved of

both

both, having still a care, least while hee should side with one, he might displease the other. Whom, for his uprightnesse, <sup>e</sup> *Juvenal* stiles *Iustum*, and for the care of the Republicque, which <sup>d</sup> *Demosthenes* averres he had in all his Lawes, <sup>e</sup> *Aristophanes* termes, *φιλόδημον*, a lover of the people. <sup>f</sup> *Plato* brings him learning his Lawes from a *Barbarian*: And <sup>g</sup> *Plutarch* tels us that he travelled afterwards into *Egypt*. But it seemes by <sup>h</sup> *Ammianus Marcellinus*, that in the making of his Lawes he had the approbation and iudgement of the *Egyptian Priests*. *Et Solon adiutus sententiis Ægypti Sacerdotum, latis iusto moderamine legibus, Romano quoq, Iuri maximum addidit firmamentum.* <sup>i</sup> *Diodorus Siculus* relates two things brought from thence to the *Athenians* by him. First, that all the *Egyptians* were compelled to bring to the governours of the countries their names written, and by what meanes they sustained themselves; wherein if any were found false, or that lived by uniuert gaine, hee fell into danger of life. Secondly, it was a custome among them, that payment should be made only with the goods of the debtor, and that the body should not suffer. For they thought the estate alone to be subiect to the creditor, the bodie addicted to the Cities in which they lived. Neither was it fit that Souldiers, who were to undergoe hazard for their country, should for usurie be committed to prison, or the country bee in ieopardie for the avarice of some one man. Which induced *Solon* to make the first decree, as <sup>k</sup> *Laertius* and <sup>l</sup> *Plutarch* say, of freeing the bodies; which, if there were not wherewithall to satisfie the craving loaner, were compelled to serue. Hee therefore cut off all *use*, <sup>a</sup> as some write, or else <sup>b</sup> lessened the burthen of it, making it more moderate by his Law *σεισάχθεια*: so called from *σειν*, to shake off, and *αχθος*, an heavy weight. Forgiuing himselfe first, <sup>c</sup> as *Laertius*, seaven talents; or, as <sup>d</sup> *Plutarch*, five. But this seemes to haue beene done for the avoiding of the aspersion cast upon him as accessarie to the iniuries of some, who having an inkling of his intent, borrowed much

<sup>e</sup> Sat. 10. vers. 274.

<sup>d</sup> Κατὰ Ἀνδρ. pag. 390.

<sup>e</sup> Pag. 190. <sup>f</sup> In Timæo.

<sup>g</sup> In Solone p. 66. l. 31.

<sup>h</sup> Lib. 22. <sup>i</sup> Bibliotheca.

<sup>k</sup> Initio vitæ Solonis.

<sup>l</sup> In Solone p. 62. l. 8.

<sup>a</sup> Plutarch. p. 62.

<sup>b</sup> Androtio.

<sup>c</sup> Loco laud. d Pag. 62. fif-

teene saies *Polyzetus Rhodius*.

much money with hope of never making restitution.<sup>e</sup> *Casau-* e In Laert. p.  
*bon* is conceited, that this was not his first exploit, but long af- 14.  
 ter he had fate at the sterne of the Weale-publique. Yet it  
 seemes probable; There being no more compendious way to  
 make a man popular, then to giue liberty to the common peo-  
 ple. Which he, to bring in an innovation of Lawes, did wil-  
 lingly invent; and they afterwards lovingly accepted. For in  
 testimonie of their approbation, they kept a festivall named  
<sup>f</sup> Σησιχθαια. Here likewise may you obserue the ancient flat- f Plutarch. p.  
 tery of the *Athenians* towards their owne vices, putting gil- 62.1.43.  
 ded names on those things, which themselues were ashamed  
 of, calling <sup>g</sup> τὸ πόρνος, τὸ ταίρας; φόρος; σωτῆρις; φύλακας, φρενας τὸ πό- g Plutarc. locc  
 λεων, δεσμοπῆλιον δίκημα &c. as our blades name drunkenesse laudato.  
 good fellowship; whores, shee sinners; and niggardise, thrif-  
 tineffe; springing from this root of *Solons*, who called <sup>h</sup> χεῶν  
<sup>h</sup> ἀποκοπῶ Σησιχθαιων. To these Lawes two ends were h Demost. p.  
 proposed, mutuall commerce, & direction of behaviour to- 477.  
 wards the state. <sup>i</sup> To curb wickednesse, and uniujustice; and to i Idem p. 484.  
 punish offenders that they might be bettered. And although  
 they were the ordinances of *Draco* and *Solon*, yet may wee  
 fitly call them the *Athenian* Civill Law. Each Citie, as <sup>k</sup> In- k Instit. l. 1.  
<sup>l</sup> *stinian* teaches, giving a denomination unto her Statutes. Nam Tit. 2. Sed ius  
<sup>l</sup> si quis velit *Solonis* vel *Draconis* leges appellare ius civile A- quidem civile  
<sup>l</sup> theniensium, non erraverit. They were engraven in tables of ex unaquaq;  
 wood called <sup>m</sup> ἄξονες, triangular, if wee may belecue the civitate appel-  
<sup>m</sup> Scholiast of *Aristophanes*, who quotes *Aristotle* and *Apollo-* latur, veluti  
<sup>m</sup> *dorus*, witnessing that they were called <sup>n</sup> κύρβεις also, ὅθεν τὸ κε- Atheniensiu.  
<sup>n</sup> κορυφῶσαι εἰς ὄψος ἀναπαρμόνον, frō the elevation. <sup>n</sup> Some are of l sch. Apollo.  
 opinion that the Rites pertaining to the Gods and their wor- Rho. Argo. 4.  
 ship were written in the *Cyrbes*, and Lawes belonging to m In Avibus  
 men in the *Axones*. *Apollodorus* sayes that all decrees are pag. 604.  
 called *Cyrbes*, because they were written in stone, and so set <sup>a</sup> ἀπὸ στήθεος.  
 up, <sup>a</sup> which from their standing, were termed <sup>b</sup> στήλαι. I knowe b Vide Non-  
 that decrees, merits, praise and dispraise too, were written in num in Naz.  
 stone. Whence <sup>b</sup> λόγος στήλων ἀπὸ πᾶσι may bee put for a Treatise στήλ. α.  
 N ending

tending to a mans disgrace. But this by the way. These Tables were kept in the *Acropolis*, translated afterwards to the *Prytaneum* by *Ephialtes*, where to the dayes of *Plutarch*, some reliques of them were to be seene. The *Autographon* or coppie written with his owne hand was not removed, but those that were transcribed by them. Because in matters of doubt and controversie they might haue recourse unto them.

c In Solone pag.66.

\* Pollux. l.8. pag.408.

d Solone pag.63. l.37.

e In Pausani- am. p.426.

f In Eliacis pag.174.

g Eodem lib. pag.165.

\* For the distinction of which, some think that *ἡ κἀπώθεν νόμος* is used in *Demosthenes* for that in the *Prytaneum*. Others for the Law in the lower part of the table; but to mee it seemes improbable, for then the number of the table ought to be cited; and indeed, one Table sometime could not containe a Law. For we read in *Plutarch*, that the eighth Law was cut in the thirteenth Table. I am not averse from the guesse of *Petitus*, who supposes the Oratour to meane the Law which afterward he quotes; not ignorant of the opinion of some, who think that it is to be understood of the under line. For the Lawes being written *βεσπορηδόν*, *converso sive retrogrado literarum ordine*, saies *Silburgius*; which *Pausanias* explaines, *ὅτι τὰ καὶ ἐκ δεξιῶν*, from the right hand to the left, or more significantly, *Ἀπὸ τῆς πηγῆς τῆς ἑπείρας ἕως τῆς ἐπιπύρας τὸ δὲ τεργὴν, ὡσπερ ἐν δαύλει δρόμῳ*. When the second verse be- ginnes at the end of the former, as in the race which they call *Diakulus*, or if I shall speak nearest to the word, as husbandmen turne their Oxen when they plough, as for example.

EΚ ΔΙΟΣ ΑΡ  
·ΒΘΖΗΩΧ

See those that haue written of divers waies of writing.

They therefore take the lower, that is turned, *ἡ κἀπώθεν νόμος*.

b Contra Ap- pionem. Vide Iustinianum. Inst. l. 1. tit. 2.

i In Avibus pag.576.

a Pag.577.

b Vide Iusti- nianum.

After this manner were the Lawes written, and doubtlesse there were some customes as strong as Lawes. For although the *Lacedaemonians* governed by tradition of custome. and the *Athenians* by written statutes, as *Iosephus*; yet surely had their customes great force, insomuch as *Aristophanes* uses *νόμος* for *ἔδος* -- *Αἰχρὸν νόμῳ κερθέμενα*. *a Scholiastes*. *νόμον νόν* *ἔ πάντα ἢ γεγεμμένον φησὶν ἀλλὰ τὸ ἔδος*. so did the *Greekes* divide

divide their Lawes into ἐγγράφους καὶ ἀγγράφους, written and unwritten. The unwritten, *sine scripto ius venit, quod usus approbavit*, vfe. The <sup>c</sup> Interpreter of *Sophocles* thus. Νόμος ἔστιν ἐγγραφὸς σωήθεια, σωήθεια δ' ἀγγραφὸς νόμος. A Law is a written custome, and a custome an unwritten Law. Besides these there were decrees, which they termed ψήφισματα, *psephismata*, a word used by <sup>d</sup> *Cicero*, nothing different, ψήφισμάτων ἐδοξέν διαφέρειν οἱ νόμοι. <sup>e</sup> *Demosthenes*. who meanes in vertue and power. For they differ much. <sup>f</sup> A Law maintaines iustice once found, common for ever. A *Psephisma* followes the necessitie of the time, as it differs in events: it directs not warlike affaires, but is applied unto the occasion of armes, and as lawes can bee abrogated, so degrees changed. And here ought we to note, <sup>g</sup> that no decree is greater then a Law. Of decrees there were two sorts; <sup>h</sup> τὴ βελῆ ψήφισματα, such as the Senate by it selfe established, which were but of twelue moneths continuance; to the confirming of which, the people were not convocated, or their consent required, termed ἰσοβουλία, which *Demosthenes* proues to be ἐπίτεια, *Ulpian*. ἐπ' ἐπιωπύον. Like to the edicts of the Roman Prætors which lasted but a yeare. <sup>k</sup> *Cicero*. *Qui plurimum tribuunt edicto, Prætoris edictum legem annuam esse dicunt*. In other decrees the opinion and good liking of the people was asked; for the giving of the authority unto them, which endured in force a longer time. <sup>l</sup> τὸ δ' ὑπὸ τῆς δῆμῳ γινόμενα, καὶ πλείονα μῆναι χρόνον. And therefore we may easily knowe a *probuleuma* from a decree of the peoples confirming, by this observation. Εδοξε τῇ βελῆ only, giues us to wit, that it is a *probuleuma*. Εδοξε τῷ δήμῳ, in the beginning of a decree, shewes it to be ψήφισμα παρὰ δῆμῳ κύρθ λαμβανον. The Senate alwaies sate in consultation about that which was to be enacted, whether any damage might accrew to the State by it or no, the Law commanding that no decree should goe forth without deliberation. <sup>m</sup> ἰσοβουλίας ψήφισμα μὴ εἰσέναι ἐν τῷ δήμῳ. Which done, the *Prytaneis* took certaine Tables and wrote on them

<sup>c</sup> In *Aiacem* *Locarium*.

<sup>d</sup> In *Orat. pro Flacco*.

<sup>e</sup> *Cont. Lept.* p. 296.

<sup>f</sup> *Aristides.* *Tom. 2. p. 30.*

<sup>g</sup> *Demosthen* pag. 416.

<sup>h</sup> *Demosth.* καὶ ἄριστοκράτους. p. 417.

<sup>i</sup> *Vlp. in Dem* p. 418.

<sup>k</sup> In *Verr. 1.*

<sup>l</sup> *Vlpian loco* *laudato*.

<sup>m</sup> *Vlp. in Arg. Orat. And.*

p. 181. Vide *Dem. p. 182.*

n. 10. vi. *Plut. Solone. p. 63.*

l. 31.

Sch in Niz.  
511. a pag.  
55. vid. Vlp. in  
Dem. p. 240.

b Demost. p.  
445.  
c Vid. Dem.  
loco cit.

d *γενναίῳ*  
Demosthen.  
Vlp. expounds  
*προβάλειν*  
no report.

e Cont. Ti-  
mocr. p. 446.  
f Demost.  
p. 297.

Such or such a day about such a time there should be an assembly  
to consult of these and these affaires: and this they called *αἰσι-  
γεγυμνα*. When then they were assembled, and the people pu-  
rified, the decree was read; which if the people allowed of,  
stood; if not, decayed. It was forbidden that any should raze  
out a Decree of any Table. And hee was brought in question  
of life, who should presume in making a decree to pretend a  
fallacie. Now because future time might haply per-  
ceave some inconveniences to arise by oversight in their Law-  
giuer, and that as abuses should happen, which in his daies  
were not discerned, so there would be a necessitie of making  
new statutes: It was ordained therefore that every yeare  
there should be *ἐπιχειρηστικότητα νόμων*, which <sup>b</sup> Ulpian expounds  
*διάσκεψις ὅτι καὶ ποιεῖν δεῖ τῶν νόμων*. A consideration of what  
ought to be done concerning the Lawes. <sup>c</sup> The manner was  
thus. Every eleaventh day of Iuly in the assembly after the  
Crier had made his prayers, as his fashion was, and shall anon  
be spoken of, the Lawes were read over in order. First those  
which concerned their Senate, next the weale-publique, and  
thirdly the nine *Archons*, & afterwards the other Magistrates.  
Then was it demanded if there were Lawes enough for the  
Senate, and so for the Common-weale, &c. If any of the  
Lawes in force were to be abrogated, it was adiournied untill  
the last of the three daies of the three Cōvocations. On which  
the *Prytanes*, appointed for the revising and reciting of the  
Lawes, were to take the matter in hand. The *Proedri* chiefe  
of the Assembly, were to <sup>d</sup> acquaint them with it. Five men  
at the first meeting, were chosen out of all the *Athenians*,  
who should patronize the Law to be abolished; and accor-  
ding to the iudgement of the *Nomotheta*, chosen out of the  
Councell of five hundred, was the businesse carried, that the  
Lawes should be of none effect, or full strength. Whosoever  
would bring in a new Law, was to write in a Table, <sup>e</sup> *εἰς ἀδ-  
κυμα*; Demosthenes, the forme thereof, and set it up at the Sta-  
tutes of the *Heroes* before spoken of, <sup>f</sup> *αἰσίδειν τῶν ἐπιώνυμων*,  
which

which standing in a place conspicuous, that some certaine daies before the Sessions, any Citizen might read what was to be handled; and if any so pleased, he might at the propofall of the Law declare his minde either for, or against it, as at the preferring of a Bill in our High Court of Parliament, where it is not denyed any Burges, or Knight of a shire, to speake his opinion *pro* or *con*, either with any whole Bill or some part thereof, or in opposition to it, or some one clause. Provided likewise, that hee, who attempted to enact a new Statute, should take care for the disanulling of the old, that might contradict it, otherwise hee came within the compasse of *ἄνομιας γενοῦσας*, a writ of *Transgression of the Lawes*: which was of two sorts. First, when time is not observed in writing the, *ἄνομιαν τῆς ἀεισιμίου χειρὸς*. Next when one is made that is adverse to a former. And if it so hapned, that any perswaded the people to make a Law that was not commodious to the weale-publique, hee might bee questioned within <sup>b</sup> a yeares space; <sup>c</sup> but if the time was expired, he could not. <sup>d</sup> Nay, they *new Eudemus*, a *Cydiathenian*, for bringing in a Law they liked not; scarce different in that one example from the *Locri*; among whom, he that would propose a Law, should doe it, his neck adorned with a halter; that if his request pleased not, hee straight way powred out his soule under the hands of the hangman. Their Orators, which are called <sup>e</sup> *δημαγωγοὶ*, because they lead the people with their Rhetorick and flattery, wrote Lawes and decrees, as we learne out of <sup>f</sup> *Demosthenes*; and therefore are they deciphered by <sup>g</sup> *Athenaus*, *οἱ λέγοντες* *καὶ τὰ ψήφισματα χάσαντες*.

<sup>a</sup> Vlp. in Dem. p. 297.  
<sup>b</sup> Dem. Orat. Arg. con. Lep. tinem.  
<sup>c</sup> Dem. p. 419  
<sup>d</sup> Idem p. 468.  
<sup>e</sup> Gellius l. 3. c. 13. If. Calistratus Athenis Orator fuit, quos illi *δημαγωγὸς* appellant.  
Livie Dec. 4. of Athens. ubi Oratio plurimum pollet, favore multitudinis alitur.  
Vlpian.  
<sup>f</sup> *δημαγωγὸς* *δὲ* *δήμῳ ἀρχαῖος*.  
<sup>g</sup> Pag. 468. u. 225.  
<sup>g</sup> Dipnos, l. 12.

CAP. II.

De Comitibus: Κυβέλα Ἐξουσιαστικὸς Ἐκκλησιὰ. &c.

THE Assemblies were called by the *Prytaneis* foure times in five and thirtie dayes. <sup>f</sup> In the first they confirmed.

<sup>f</sup> Pollux. l. 8. c. 9 Sect. 7. pag. 398.

med the Magistrates in their offices, if all things were managed well by them, otherwise they put them out. They heard publique causes, looked into confiscate goods, and possessions left by inheritance. In the second, any one with leaue might freely speake of private and publique affaires. In the third they gaue audience to Ambassadours, who before ought to deliver their letters to the *Prytaneis*. In the fourth, they treated of holy things, such as belonged to their Gods and worship of them. The first meeting was the eleventh day of the *Prytanea*; the second the twentieth; the third the thirtieth; the fourth the three and thirtieth. I finde a difference betweene the <sup>g</sup> Scholiast of *Aristophanes* and *Vlpian*; in the dayes on which they came together, one making the first day of the Moneth to be the day on which the first assembly was, the other the eleventh of the *Prytanea*, which seemes truest. And whereas they both write that every month there were three lawfull assemblies, to wit, on the first, tenth, thirtieth; or tenth, twentieth, thirtieth, we are not so to reckon them, but according to the *Prytanea*, it being the *Prytanes* charge to congregate the people. They seeme to haue been called *κρείαι Εκκλησίαι*, because in them they did *κρείν. Ψήφισματα*, establish decrees, as the <sup>a</sup> Scholiast of *Aristophanes*. Other assemblies there were which are termed <sup>b</sup> *σὺγκλητοι*, when war, or any sudden accident troubled the State, then the people were called together over and about those foure times in a *Prytanea*. They are styled *σὺγκλητοι*, because the people of their own accord met on the other dayes; but when they would haue a Convocation some went about the Citie and called them. <sup>c</sup> There is likewise *κατεκκλησία*, when they were summoned out of the fields to goe to the Assembly. It seemes to me that the Crier in the streets on their lawfull assemblies gaue some token when they should hasten; and so much <sup>d</sup> *Aristophanes* witnesses, bringing in the women speaking that it is high time to be stirring, because the Crier--*Ἄτερον κέκοικωκεν*, had cryed the second time. And indeed need was there of some warning

<sup>g</sup> In Achar.

p. 371.

<sup>b</sup> In Dem. p.

445.

<sup>a</sup> In Acharn.

<sup>b</sup> Vlp. & Sch.

Arist. loc. laud.

<sup>c</sup> Poll. p. 405.

<sup>d</sup> In concio-

nantib. p. 725



warning, & compulsion too; for so slow were they in coming to assemblies, that the *Logista* were faine to thong them to the meetings, as the Schol. of *Aristophanes* on these words,

<sup>e</sup> Τὲς δ' ἵμαντας ἐκ Λεωρῶν. Sometimes they took a rope, and d<sup>e</sup> In Achar. p. 406.

dying it with red earth, they sent two slaves into the market place, who should one of the one side of the way, & the other of the opposite, pursue the people, and to whose chance it fell to be marked with the paint, paid a certaine peece of money.

Hence in the <sup>f</sup> Comœdian -- κἄνω κ' ἄνω τὸ χοινίον φάγουσι τὸ <sup>f</sup> Aristoph. A- μεμιλωμένον. Up and downe they shun the cord stained with char. p. 371.

Vermilion. And againe -- ἡ μίλιθ' ὧ Ζεὺς φίλατε Γέλων παρέ- χεν ἡὺρ ἑσέριον κίχλω. *Jupiter*, the red earth which flew a-

bout made laughter. <sup>g</sup> Sometimes would they take Hurdles, <sup>g</sup> Schol. Arist. and barracado all the streets except those that led to the *Ec-* loco laudato,

*clesia*: Sometimes take away all their saleable wares which they brought into the market, least peoples intent on their traffique should absent themselves from the Assemblies. Whē they had met oft times the company would bee dismissed at some prodigious signe, as thunder, lightning, tempest, and the like, which they called <sup>h</sup> Διοσημεία. : i and earthquakes, or o-

ther occasions, deferring the Assemblies meeting untill the next day. When they were come together, and the Senate <sup>i</sup> Plut. p. 386. ready to sit, one man sacrificed; which rites were called <sup>a</sup> *Φισ-* l. 7. & 384 l.

*πεία*, because they were done at the entry of the Councell. <sup>a</sup> Demosth. 34.

<sup>b</sup> *Vlpian.* περιγὰρ ὃ εἰσόδους τ' βελῆς ὁ τὰς θυσίας ποιέμενος. I <sup>b</sup> Vide & Vl- π. 241

will not iustly say that it was the purification made with a <sup>c</sup> In Concion p. 728. A. young pig, before the bench was sate; and yet I may presume

to averre it; the Grammarian that interprets <sup>e</sup> *Aristophanes* witnessing that immediatly preceding the Sessions this cu-

stome was observed by one, whom they named *πεισιάρχος*, from *πείσι*, τὰ καθαρία, which signifies cleansing, because by

that he purged the Assemblie, Theater, and congress of the <sup>d</sup> Demosth. people. After they were sate, <sup>d</sup> the Cryer did pray for the <sup>e</sup> Id. p. 418.

good of the people, <sup>e</sup> and cursed those who should offer to de-

ceiue the Senate or people. After this, hee spake with a lowd voice

f Alcidas  
Aristoph. p.  
372. Diod.  
Sic. l. 15.  
g Demosth. p.  
29. Æschines  
contra Ctes.  
initio.  
h Philippic. 1.

voice, *ἴς ἀγορεύειν ἐέλεθ*; Who will make a speech; where-  
upon one of the 5 Elders arose that gaue his verdict, it being  
not permitted to any to utter his opinion, before the reverend  
hoary head had spent his iudgement. Whence by <sup>h</sup> Demosthe-  
nes they are stiled *οἱ εἰωδότες*, those that were wont to orate.  
After they had finished their sayings, others had leaue to de-  
clare themselues. Neither must we omit the fashion they had  
to exclude all private men from their assemblies sometimes,  
when the Senate alone sate, or the *Areopagiticall* Councell;  
sometimes to debarre all servants, strangers, and men depriv-  
ed of their liberties from their convents, which at other  
times they admitted, and then was it called *ἀπεπλάγιον εἴμα*  
*καὶ τὸ δεῖλόν*, an open Theater to all commers. The place of  
meeting was called *Πύξ*, *Πυξ*, *ἐπὶ τῷ πεπυκνᾶσαι ἀνδρῶν ἐν*  
*αὐτῇ*, from the frequent concurse of people there. It stood on  
a rock, and therefore by *Aristophanes* is called *πέτρα*. 345. Sch.  
*ὄρεινὴ δ' ἔστω*. There was a stipend for them that came to As-  
semblies, as you may see in *Demosth. contra Timoc.* And *οἱ*  
*βοιωτῶν δὲ ὀνόματος*. Because they might bee at leasure with-  
out dammage. *Aristot. Pol. l. 1. c. 13.* They assembled also in  
*Piræus. Vlp. in Dem.*

## CAP. III. SECT. I.

De Tribunalibus Atticis, &amp; primum de

Senatu Πεντάκοσιων.

Plut. Solon.  
p. 60. l. 31.

**V**When the mutinie betweene the faction of *Mega-*  
*cles & Cylo* disturbed the *Attick* common wealth,  
*Solon* perswaded the people that those, whom for their auda-  
citie in drawing away the suppliants from the Altars they  
named *ἐναγῆς*, should undergoe iudgement, there were cho-  
sen <sup>k</sup> three hundred men, *ἀεὶσίνδω*, according to their worth,  
to sit upon the case. But these were not a perpetuall iudicato-  
rie. For when the people murmured at the cutting off of the  
usurie

usurie money, then was the <sup>l</sup> Grand Councell ordained; out of every Tribe, which were then but foure, an hundred chosen, who by their advice should direct the people in those things which were to be handled, least any thing should be inducted, or proposed to the Assembly, without due consideration. Who from their office in a Democracie, <sup>m</sup> Aristotle saies are more properly called *οὐβελοι*, but where the Rout rules, *βελή*. But when *Clisthenes*, who by *Plutarch* is termed *ὁ κατασηπάδου* & *πρὸ πολλείας*, had augmented the number of the Tribes from foure to tenne, eightie six yeares after *Solon's* Lawes were received, he made the number five hundred, taking fittie of every Tribe, which doubled ten times make up the summe. This Councell by *Aristotle* is described *ἡ μάλιστα κρείσσει πάντων*. The Mistresse of all the rest, and I am not of opinion that *ἡ ἀνω βελή* in <sup>a</sup> *Plutarch*, is to bee understood of the *Areopagus*, as if that were aboue the Senate, but as instituted first by *Solon*, and so related by the Author. And yet I knowe <sup>b</sup> one writes, *Tam dignitate, fama, quam officio, secundum post Areopagitas locum obtinere*. To this Councell none was chosen under thirtie yeares of age, which time is stiled *βελόπικῆ ἡλικία* by <sup>c</sup> *Libanius*. And doubtlesse <sup>d</sup> *Plutarch* iustifies it speaking that *Demosthenes* wrote his Orations against *Androtio*, *Timocrates*, *Aristocrates*, *ἔπει τῆ πολιτεία οὐροσεληλυθώς*, when hee had not attained to the managing of state businesse, because he wanted two or three of thirty yeares. Agreeing to this is <sup>e</sup> *Junens*, who saies that *Solon* admitted none very young, though very wise to Magistracy or Councell. Nay the <sup>f</sup> Scholiast of *Aristophanes* tels us that greene heads were not permitted to speak publikely. The Law prohibiting any to attempt it under fortie, or as some say (which is truest) thirtie, on these words,

*Κάγω παρδέν & ἔτ' ὡ, κὲκ ἐξὼ πῶ μοι τεκείν.*

Which to be otherwise understood by some, is not hidden from me. They were called likewise *ἡλιασαί*, as well as *Πεντακδοσοι*, and their Tribunall *ἡλία*, from the word *ἡλιζεσθαι*,

O

which

<sup>m</sup> Polit. l. 6. c. 8.

<sup>a</sup> In Solone p. 63.

<sup>b</sup> Poffardus. false. for Pausanias calls it *μύμιον*. in Att. p. 27. l. 15

<sup>c</sup> In Arg. orat. con. Androt.

<sup>d</sup> Vita decem Rhet. p. 378.

<sup>e</sup> Stobæus serm. 112.

<sup>f</sup> In Nub. p. 157.

<sup>g</sup> Vlp. in Demof. p. 445.

bVlp. loc. lau-  
dato. vide &  
Aristoph. Sc.  
p. 436.  
i Pag. 486.

k Dem. Orat.  
cont. Tim.

which signifies to throng together, because the people were frequent there. But the more probable reason is, *ἡ μὲν τῆς Ἰπαιδρον ἔδῃ τὸ πόνον καὶ τὸ ἥλιον ἐνεὶ ἐνδοῦ περιβάλλειν*, because the place was open and exposed to the Sunne. And in respect of this *i Aristophanes* makes that cold conceit branded by *Didymus*, *Εἰλη κατ' ὄρεδρον, ἡλια Cereis ὄρεος ἥλιον*, In the morning thou shalt *ἡλιαζεῖν* in the sun shine. At their admission they had this oath given them. *Ἰσχυίμαι κατὰ τὰ νόμους. &c.* I will give sentence according to the Lawes, and decrees of the people of Athens, and Councell of five hundred; I will not consent to bee a Tyrant, or bring in an Oligarchie: Neither shall my approbation be to any that will dissolve the Democracie of Athens by speech or decree. I will not cut off private use, or suffer a division of the Athenian lands or houses. I will not bring back exild men, or those that are condemned. I will not thrust out of the citie any innocent against the Lawes and Statutes of the Athenians and Senate of five hundred: neither by my selfe or suffer any other. I will not create a Magistrate, who hath not given an account of his former office, whether of the nine Archons, or agents for the holy things, or they, who at the same day are chosen with the nine Archons by lot, Ambassadors and assistants. Neither shall the same man beare the same office twice, or two in one yeare. I will not take gifts for iudgement, neither my selfe or other for me, or others with my privacy, by fraud or deceit. I am not younger then thirtie. I will heare both parties, the accuser & defendant alike.

\* If I trans-  
gresse any of  
these, let me  
and my house  
perish, but if I  
faithfully  
keep them ac-  
cording to my  
oath, let vs be  
happy and  
prosperous.  
Dem. p. 470.

I will passe iudgement aright on the thing prosecuted. I sweare by Iupiter, Neptune, Ceres. \* There is also another oath which they took; some clauses whereof, wee haue left in record. To ratifie the Lawes of Solon. *Plutarch in Solone, pag. 62.* To give counsell for the best of the people. To advise according to the Lawes. I will not binde any Athenian who shall give three sureties of the same reuennewes, unlesse for treason, or hee conspire the subversion of state popular, or buy custome, or be engaged, or gather publique money and not pay it. I will sit in that order which lot shall direct me to. I will not permit any unlesse banished

nished, to be accused or imprisoned for what is past. This last was made after the driving out of the 30 Tyrants, when <sup>a</sup> *Thrasylbulus* gave them to oath *μη μνησικακήσειν*, not to remember ancient wrongs, which they call *ἀμνησία*. The authority of this Council was great, for it handled causes of war, tributes, making of Lawes, civill busineses and events, affaires of confederates, collections of money, performance of sacred rites, accounts of offices discharged, appointing keepers for prisoners, and *δοκιμασία* of Orphans, as *Xenophon*. <sup>c</sup> Resembling our Court of Parliament in *England*, by whose consent all Lawes are abrogated, new made, right and possessions of private men changed, formes of religion established, Subsidies, Tailles, Taxes, and impositions appointed, waights and measures altered, &c. As not unlike also the *Venetian Gran Consiglio*, or Senate, of which the *Contarene*. <sup>d</sup> *Tutta la cura del governo della Republica appartiene al Senato, &c.* The whole manner of the Common wealths goverment belongeth to the Senate. That which the Senate determineth is held for ratified and inviolable. By their authoritie and rule is peace confirmed & war denounced. The whole rents and receipts of the Commonwealth at their appointment collected and gathered in, and likewise laid out againe and defrayed, &c. In a word, I may say of these five hundred, as <sup>a</sup> *Budaus* of the Parliament of *France*: *Amplissimam eam curiam causarumq; omne genus disceptatricem iustam ac legitimam esse*, that that Court is most ample, and iustly and equally decided all sorts of controversies whatsoever. <sup>b</sup> To their charge was committed the making of new ships, for which at the yeares end they were to be rewarded by the people. To this alludes <sup>c</sup> *Aristophanes*. *Ποδαπὸ τὸ ἕλθε; Ἐν ὅθεν αἱ τεύχεαι κ' αἰ. Ἐπ. Μῶν Ἡλιασα; --*

<sup>d</sup> Without their consent could the people doe nought, as indeed they made not any thing *sanctum* against the peoples wills. Hence in <sup>e</sup> *Demosthenes*, *Ἐβελῶ ποιήσωσι τὸ δῆμος κ' εἶαν*. In testimonie of their preheminance are they termed <sup>f</sup> *Κρείοι Φήρῃ*. and *ἑοὶ ἀεὶ κρείοι*. The Lords of sentence. In

<sup>a</sup> Vide *Xenoph.* in *Ἑλλῶ.*  
<sup>c</sup> Cic. *init. Phil.*  
<sup>1</sup> *Velleium Paterculum. l. 2. p. 84. Arist. Sch. in πλ.*  
<sup>2</sup> *Æschin. cont. Ctesiph.*  
<sup>b</sup> *Athen. Rep. pag. 407.*  
<sup>c</sup> See *Sir Th. Smith in the Common-wealth of England.*  
<sup>d</sup> *As Eranchirio Anditimi hath translated it. lib. 3. fol. 34. B.*  
<sup>a</sup> *In Pandect. Prio. p. 298.*  
<sup>b</sup> *Dem. p. 385.*  
<sup>c</sup> *Anib. p. 546*  
<sup>d</sup> *Sch. Arist. p. 93.*  
<sup>e</sup> *Pag. 234.*  
<sup>f</sup> *Demosth. περὶ Αλο.*  
<sup>g</sup> *Idem περὶ τῶν Μειδιέων*

time of warre they would send Commissions to their Cap-  
 taines, as they thought requisite. <sup>h</sup> Such as in the battaile be-  
 tweene the *Lacedemonians* and their country men in *Tana-*  
*gra*, where fearing least *Cimon* banished by *Ostracisme* should  
 betray them to the *Laconians*, they sent to the Commanders  
 not to entertaine him in the Armie. This honour was not  
 during terme of life, but every yeare changed. *Apostolius.*  
 ἡ μὲν δὲ πεντακοσίων καὶ ἑξάσον ἐνιαυτὸν κληρονομήν Βελδῆιν.  
 Which *Anonymus* in *Arg. Orat. contra Androt.* expresses by  
 καὶ ἐνιαυτὸν διεξέχου. The manner of choosing them is this.  
 The chiefe of every Tribe, on an appointed day before the  
 beginning of the moneth *Hecatombæon*, brought the names  
 of all their Tribe that were capable of this dignitie, and cast  
 them written into a vessell, and into another they put an hun-  
 dred white beanes, and all the rest blacke; Then drawing  
 out a name and then a beane, to whose chance the white  
 beane fell to be extracted with his name, was designed Sena-  
 tor. This they did when they had but foure Tribes, and so  
 foure hundred Senatours. But when they had ten Tribes,  
 there could be but fiftie white beanes, to the making up of  
 the tenth part of five hundred. This differs not from the ele-  
 ction observed by the <sup>k</sup> *Venetians* upon the fourth day of De-  
 cember, when the names of all the young men that haue not  
 by lot obtained the right of citizens, nor passed twentie five  
 yeares old, are put into a pot, and carried unto the Prince, and  
 there the same set before the Councillors, with which there  
 is another pot, wherein are round balls equall with the num-  
 ber of the names written in the first, every one having his  
 markes, the fift part of these bals is gilded with gold, the rest  
 with silver. The Prince taketh out of the first pot the ball,  
 which if it be of the golden sort, the young man whose name  
 is drawne, is presently admitted to publique authority, they  
 to whom the silver chance, loose it for that time, expecting it  
 the ensuing yeare, unlesse in the meane space they accomplish  
 twentie five, at which age all the young Noble men partake  
 of

<sup>b</sup> Plut. in Ci-  
 mons p. 356.  
 l. 50.

<sup>i</sup> Verbo. Em-  
 mius in De-  
 script. Reip.  
 Athen.

<sup>k</sup> Contaren.  
 h. i. fol. 1. b.

of the Cities liberties. So every yeare the fift part of the yon-  
 kers is chofen to giue voice with the other Citizens. The use  
 in choofing I deem the fame, & shall untill I finde authentike  
 writers cōtradict it. But the number, as augmented by *Clisthe-*  
*nes* according to their Tribes, so by his successors. For when  
 they added two, the number was encreased 100, by reason of  
 the Tribes *Antigonis* & *Demetrius* after named *Attalis* and  
*Ptolemas* in honour to the Kings of that name which were  
 benefactors to the State; <sup>a</sup> ὅθεν καὶ πάλιν βελῶν πεντακοσίων ἕσαν,  
 ἑξακοσίων ἐποίησαν. <sup>b</sup> Out of these were their Iudges chofen;  
 but such as were aboute three score yeares old. For although  
 juniors were admitted into this company, yet none judged  
 under that age. εἰσέρχοντο μὲν εἰς τὰς ἐκκλησίας, ἐκ ἐδραζον δ̄.  
 To these was any businesse referred, of which the Senate and  
 people were in suspense what to determine. <sup>c</sup> *Aristoph*, *Εἰπ*  
 ἂν ἢ βελὴ καὶ ὡς δῆμος ὅταν κείναι μίγα παρὰ γὰρ, ἀπορήσῃ Εὐφρι-  
 σαρ τὸν ἀδικεῖν τῶν ποῖσι δικαστῶν ἀδύναται. When the Councell  
 and people are in doubt how to iudge a great matter, They  
 decree to deliver over the guilty to the Iudges. And no mar-  
 vell. For the office of a Iudge is κείναι, prerogative in  
 sentence, saies <sup>d</sup> *Aristotle*, that is, to state those Questions  
 which the Law hath not decided. The order of their giving  
 sentence before the third year of the ninety second Olym-  
 piad I knowe not. Afterwards they sate by turne in their  
 own Tribes every one as his lot fell. For there being former-  
 ly ten Tribes in *Athens*, they chose out of each five men, and  
 to which one of them the chance happened, he sate Iudge. I  
 cannot say that the manner of election was like that of the  
<sup>e</sup> *Syracusans* concerning the Priest of *Iupiter*, who taking the  
 names of so many as were nominated, and casting them into a  
 pot, created him, whose name should first be drawne, of that  
 sacred function. But of our owne must I speake. <sup>f</sup> When then  
 they were appointed, they met, every of them bringing with  
 him a Table and a wand on which was written a letter that  
 did betoken some Iudicatorie, (For there being ten Tribunals

<sup>a</sup> Stephanus  
 ὡς πολ.  
<sup>b</sup> Arist. Schol.  
 p. 37.

<sup>c</sup> In Vespil. p.  
 471.

<sup>d</sup> Pol. 1. 3. c. 13  
 ὡς ὅν ὀνό-  
 mos ἀδύναται  
 διοείζειν.

<sup>e</sup> Cic. in Vesp.  
 rem. Act. 3.  
<sup>f</sup> Aristophan.  
 πλ. p. 30.

every one of them was noted with a red letter, A, B, Γ, Δ, Ε & C to κ. over the dore) time calling them to sit, they drew lots, and he to whom A. was taken out, fate in the Court noted with A. and B. with B, and so to K. This done, they shewed their lot to the *Præco* of the Iudicatorie, who gaue them their Wand & Table. This they did, least any should rashly attempt to sit, and pervert Iustice. I know not whether I may better call that rod of authority a wand or staffe: because that *ἡ βακτηρία κὲ ἡμῶν κὲ τειβώνιον ἢ τειώβολον*, was a proverb used in division of the Iudges.<sup>h</sup> This staffe at the daies end they brought to the *Prytanes*, who gaue them their wages; But the <sup>a</sup> Scholiast teaches us otherwaies, saying that the *Demagôgi* paid them, it being manifest out of *Cleon's* words the Oratour, *ὧ γέροντες Ηλιασῶν, φερότεροι τειωβόλου, οὓς ἐγὼ βόσκω.* - Iudges which I feed. Their pay was not alwaies the same, *ἐχ' ἴσαλο*,<sup>b</sup> saies the Interpreter of *Aristophanes*. First they had *obolum*, which *Calistratus*, surnamed *Parnytes* was author of. Hence the proverb *οβολὸν δ' ἔρς Παρνύτης.* Afterwards it was augmented by *Callicrates*, and from him grew the word *καμικρέτης*,<sup>c</sup> it may bee for a pretty summe of money. Nay it changed, for now I read of *οβολὸς Ηλιασικὸς* one, and another *τειώβολον* three, <sup>a</sup> *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a little of their Iudges, I proceed to their cases of Law, in which I shall adde.

When any had received wrong in *Athens*, it was their custome to make their cases knowne to a Magistrate, whose office it was to report to the Iudicatory. And this they did by a Table in which was written, <sup>f</sup> *κατηγορῶ τῶδε κὲ παρονομήσαι τῶτον διὰ τῶ δεινῶ οἷς τὸ δικαστήριον.* I accuse H. B. and cite him to the Court by W. N. not unlike the *Romans* proceeding, who brought the name of the delinquent to the Magistrate before the accusation; to which <sup>g</sup> *Plautus* alludes. *Ibo ego ad tres viros vestraç, ibi nomina Faxo erunt.* - when this note was given up, the Magistrate asked the Plaintiffe, whether hee had witnesses

g Suidas pro-  
verb.  
h Sch. Aristop.  
πλ. 3. 0.  
a In Equites.  
pag. 301.

b In Nubes  
pag. 174.

c Appendix  
Vaticana.  
d Zenobius.

e Sch. Aristop.  
pag. 487.

f Vlp. in Dem  
P. 343.

g Afinaria  
Act. 1. p. 54.



witnesses and would prosecute the matter, who answering that he intended it, had thereupon authority to summon the Defendant to his appearance, and this hee did either by him- selfe, or other, called therefore κλητήρ,<sup>h</sup> for κλήσις is ἡ ἐν τῷ δι-

κλιματίῳ, a bringing into suit. καλῶν δ' εἰς δικαστήρια. The word signifies a witness also. For when they warned any to the Tribunal, they bad any that stood by to testify that they had admonished them. κλητήρες δ' οἱ καλῶντες εἰς τὸ δικαστήριον

πάντας σημαίνει ἢ ἡ λέξις καὶ τὰ μάρτυρα. You may use κλητήρ for an apparator, Sergeant, Bailiffe or the like. Sometimes they would runne streight to the Court, as it were headlong, in <sup>k</sup> Demosthenes his phrase, sometimes the Suiter would

forthwith draw the Defendant, if he were loath to come, as you may see out of <sup>l</sup> Aristophanes. καὶ θ' εἶλκον αὐτόν. But if the partie could put in two ἀξιόχρεως, sufficient bayle, he was dismissed. Hence in the <sup>m</sup> Comœdian. Ἀλλ' ἐγγυητὰς σοι κατα-

στήσω δύο ἀξιόχρεως. I will procure thee a couple of able sureties. Sometimes they would appoint a day of appearance, that might be a weeke or more, after the *vocationem in ius*, at which time if the Defendant were not personally at the

Judgment seat, he came within compasse of Ερήμιος, a Writ of *Ermodicium*, refusall to come in and answer. Which was avoided by suing for a μὴ ἔσα in tenne daies after. For when the partie to defend was absent, hee was condemned *indictâ causâ*, to <sup>a</sup> Budaus expounds ἐξ ἐρήμιος καταδικάζωμαι, by this

therefore the case was renewed, and stood as at first, the sentence that before past, being made of no force; and for this was it termed μὴ ἔσα, <sup>b</sup> ὅτι πρῶτον δοκῶσα εἶναι καὶ κεκυρωθεῖσα, ὕστε-

ρον εἰς τὸ μὴ εἶναι περὶ τὰ πρῶτα, because in the beginning it seemed to carry some power, but at last was nothing. The businesse then made a new, the partie that was cast by an ἐρήμιον, after that he had obtained a μὴ ἔσα, was <sup>c</sup> within two Moneths to set the

Law on foot; which they terme ἀπλαχεῖν δίκην, or else the sentence given before was ratified. Whosoever should offer to call any man to the Court, unlesse upon good grounds, was

liable

<sup>h</sup> Sch. Arist. 190.

<sup>i</sup> Sch. Arist.

p. 442.

<sup>k</sup> ἐπὶ κεφαλῶν εἰς τὸ δικαστή-

<sup>l</sup> εἰον ἐαδίζεν

p. 596. n. 17.

<sup>m</sup> In Vespis pag. 487.

<sup>n</sup> Arist. Con- cio. p. 755.

<sup>a</sup> In Prioris & Post. No. ad Pand.

<sup>b</sup> Vlp. in Dem. p. 343.

<sup>c</sup> Pollux. l. 8. p. 390.

liable to  $\psi$ δολητείας δίκη, a writ of molestation for a false cause. Having thus far proceeded, the Impleader gaue in a Libell, which held contents of his action, and the summe of the defendants answer. This the Greekes call<sup>d</sup> Αντιγραφῶν, *Antigraphen*. Though I knowe also that all cases in law were termed<sup>e</sup>  $\omega$ ράγματα,  $\kappa$ ἀντιγραφαί. They tooke this course because the Defendant might knowe what to answer. And because it was ordinary in *Athens* for knaues to accuse out of envy, which is  $\sigma$ υκοφαντία, they made a<sup>f</sup> Law, that whosoever accused and had not the fift part of the voices, should be fined a thousand Drachmes. And he that could not proue his objections was also punished in the purse a certaine summe;  $\S$  which if he paid not at the constituted time, was foure fold; & if his abilitie reached not so far, he suffered imprisonment. At the presenting of the *Antigraphē*, testimonies were also delivered, ( formes of which you shall often meet with in *Demosthenes* ) & a copie of an oath, which the Suiter gaue, in these words  $\iota$ Ταληθῆ κατηγορήσειν, that he would justly accuse.  $\iota$ Ταληθῆ ἀπολογήσασθαι, that he would according to truth make his Apologie: and this they name<sup>k</sup>  $\alpha$ ντιμοσίαν. These writings were cast into a certaine coffer, forth comming as occasion should require; all which <sup>l</sup> *Aristophanes* in one verbe comprehends.  $\alpha$ ντιμοσίαις  $\kappa$ ὲν  $\omega$ ρεσκαλίσεις  $\kappa$ ὲν  $\mu$ ῦρτυλαῖς  $\sigma$ υνεκόλλων. They ioyned or put together oaths, citations, and testimonies. I so interpret it against the Scholiasts minde, who will haue  $\omega$ ρεσκαλίσεις to be exhortations given to the Plaintiffe and Defendant to come to composition. But I know that <sup>m</sup>  $\omega$ ρεσκαλίειν is  $\kappa$ ατηγορεῖν,  $\epsilon$ ἰς  $\delta$ ιμασίαιον ἔλκειν, to accuse, *in ius rapere*, <sup>n</sup> and  $\omega$ ρεσκαλίσεισθαι,  $\delta$ ιὰ  $\mu$ ῦρτύρων ἀποχθήσασθαι. The chest or coffer was called  $\epsilon$ χίνος, and of this are the words of the Greeke Oratours to be understood <sup>o</sup>  $\epsilon$ ἰς  $\epsilon$ χίνον βάλλειν. <sup>p</sup> *Theophrastus* of a mad man that would entangle himselfe in any thing,  $\epsilon$ χων  $\epsilon$ χίνον ἐν τῷ  $\omega$ ρεσκαλίῳ,  $\kappa$ ὲν ὀρμαθῆς γεγραμμάτων ἐν ταῖς χερσίν. Having an *Echinus* in his lap, and a bundle of libels in his hands. *Pollux* makes a different exposition of this oath from that

d You haue a forme of this in Demosth. p. 628.  
e Arist. Nub. p. 134. v. Sch. f Demost. p. 716. n. 7.

g Arist. Schol. p. 170.

h V num contra Stephan.  $\psi$ δδ. a. p. 622. aliud p. 624. 629. i Sch. Arist. Vesp. 505. k In Vesp. p. 467. 505. l In Vesp. p. 504. m Sch. Arist. 239. n Idem p. 195. o Demosth. 622. n. 33. 629. n. 80. 640. n. 22. 655. n. 65. 665. n. 66. p Charact  $\omega$ ρε: ἀπονοί. p. 21.

that which other Grammarians doe, confounding, as is most probable, the *προμοσία* and *ἀντιμοσία* with *δωμοσία*. For *προμοσία* is that first oath which the Plaintife gave to prosecute, the party prosecuted to answer, which on the defendants side was called *ἀντιμοσία*, and generally on both. *Δωμοσία* was a Sacrament taken by both, the Impleader that he did

*πρόξαστα δώκειν*, follow the delinquent in law: the defendant *ὡς ἐκ ἐπείξεν ἀποδίσκειν*, to stand stilly to it that he did not trespass. And yet *Ulpian* makes both these one. After this

were they that sued one another admitted to the Iudicatory, it being first demanded of the Suiter <sup>c</sup> whether he would *persequi*, follow the suit, and had sufficient witness for evi-

dence; in causes capitall it was asked if there were need of any, who could not then be present. This interrogation was termed <sup>d</sup> *Ἀνάκρισις*. If then any thing was deficient the

judgement was prorogued by an <sup>e</sup> *ἐπιμοσία*, or oath, which the Plaintiff took, that for the present he could not performe it; but certainly would. <sup>f</sup> Perhaps for that time pretending

sicknesse, death of friends, or some urgent necessity, on which their fortunes might depend. When then all things were ready, and at hand, they proceeded towards the Tribu-

nall, the Judges first swearing <sup>g</sup> that they would give sentence according to the Lawes, and in those things concerning which there were no Lawes, according to conscience and

equity (which the Greeks call *νόμῳ δικαιοσύνη*) <sup>h</sup> and of those things only concerning which they did debate. This oath seemes to have been taken at the Altar, from whence they brought their little stones (of these by and by) with

which they gave sentence. <sup>i</sup> *Plutarch*. *Ἰήρον ἐπὶ βωμῷ φέροντες*. The oath is called *ἀμριορία*. Then went the Judges to their seates, <sup>k</sup> neatly spread with mats, in Greeke *Ἰάδα* & *Ἰάδοι*, and all others being warned by the *Præco*, to goe

without the Bars, in this forme <sup>l</sup> *μετάσητε ἔξω*, they sate down. For we must know that the Athenian Iudicatories were en-

vironed in, as the Romans, with lettice I suppose, by them

a Schol. Aristoph. Vesp. 505.  
b In Demost. p.287.  
c Vide Ulpian in Dem. pp.347.341.  
d Bud. in Annot. Rel. ad Pan. p.341.  
e Ulpian in Demp. p.226.  
f the Scho. of Aristoph. Makes it the same with ἐπιμοσία.  
g Pollux. l. 8. pag.406.  
h Dem. pag. 628.  
i Pag. 122.  
k Aristoph. Sch. p. 239.  
l Demosth.

m Pollux. lib. 8. p. 407.  
 n Pollux loco citato.  
 • This is χειρὶνισμα. Pollux. p. Pag. 485.  
 a Plutarch. in Vita.  
 b Aristoph. pag. 494.  
 c Aristoph. Sch. Ibid.  
 d Πρὸς Πενταίτερον p. 567.  
 e Boemus De Costumi del le Genti lib. 1. cap. 5.  
 \* Arist. Rhet. 1. 1. c. 33.  
 f Stromat. 1. pag. 226.  
 g In Bruto.

called <sup>m</sup> καγγελῶται *Cancellata*, by the Greekes *κυκλίσεις*  
<sup>n</sup> though *κυκλίς* more properly signify the doore of the *δικαστηρίου*, before which was <sup>o</sup> a rope of fifty feet length drawn, and publique servants set; that none might enter, but who had businesse. The partition I think was but weak, and therefore by *Demosthenes* called *ἀδενής κυκλίς*. Within which none was permitted to come but the Iudges. And therefore when <sup>a</sup> *Demosthenes* did long to hear *Callistratus* plead concerning *Oropus*, he over-entreated his *Pædagogus* that he would bring him, where he might have the happinesse to be an auditor. The *Pædagogus* therefore acquainted with the publique officers that opened the doores, *τὸς αἰοῖζοντας τὰ δικαστήρια δημοσίᾳ*, procured him a place where he might hear and not be seen, *ἐν ᾗ καθήμεθ' ἀδύλας ἀκροῦν*. When then the Iudges had gone within the bars, lest any should be wanting the *Præco* cried <sup>b</sup> \* *Εἰ πῶς δούρειον Ἡλιάης, εἰσὶτω*, if any Iudge be without the doore of the place of Iudgement, let him enter. <sup>c</sup> Because if any came after the case began to be pleaded, he could not have admission. Being then seated the Crier read the Inditement, *ἔγκλημα*, (a copy of some part of which you have in <sup>d</sup> *Demosthenes*. *ΕΒΛΑΨΕ ΝΙΚΟΒΟΥΛΟΣ ΕΠΙΒΟΥΛΕΥΣΑΣ ΕΜΟΙ; &c.*) in which according to the custom of the <sup>e</sup> old *Egyptians*, were given up to the court in writing all the reasons of accusation, the wrong received and the manner of it; with an estimation of the damage; The severall heads of which the Iudges wrote downe, lest the Impleader and defendant should swerve from what they had in hand. Then stood up the Suiter in a pulpit on the left hand of the Tribunall, and spake an accusatory oration, made for the most part by some of the *Attick* Oratours: which use brought in by <sup>\*</sup> *Antiphon* the *Rhamnusian*, <sup>f</sup> *Clemens* of *Alexandria* calls *δικαστικὸς λόγος εἰς ἕκδοσιν γράφειν*, <sup>g</sup> *Cicero*, *scribere aliis causas, quibus in iudiciis uterentur*, such as *Lysias* is reported to have done for *Socrates*: Which lest it should exceed in length, was limited to a certain time, by a vessell,

in the bottome of which was a small hole for water to runne,  
 as sand doth in our houre-glasses, thence called κλέψυδρα, in-  
 to which was poured an equall measure of water; and least  
 there should be deceit, there was an officer made for that  
 purpose, named <sup>h</sup> Εφύδωρ, ὁ παραφυλάττων τῆς ἰσότητος τῆς κλεψύ-  
 δρας, filling alike for the impleader and answerer. <sup>i</sup> When  
 therefore the glasse was runne, it was not lawfull for them  
 to speak farther, <sup>k</sup> nay for scantinesse of time they were com-  
 pelled to passe by many things; and for that reason were they  
 chary of their water, bidding that it should be stopped at the  
 reciting of Lawes, or the like, which Demosthenes intimates  
 in-Σὺ δὲ ἄλλαβε τὸ ὕδωρ ὡς εἶνα ὀπιλαμβάνει is to stop the nose  
 in <sup>l</sup> Aristophanes. <sup>m</sup> Apuleius. At tu interea dum legit, a-  
 quam sustine. Pancirollus. No si aqua interim effluxisset, am-  
 plius sibi dicendi prabita foret facultas, least he might not  
 have leave to speak any more, if the water were spent. If any  
 would give way to another to speak while his glasse was run-  
 ning, he might; which Demost. testifies, ἐν τῷ ἐμῷ ὕδατι λαλεῖτω.  
 But if he would not permit it, he had the Praeco cast it forth  
<sup>a</sup> ἐξέρεα τὸ ὕδωρ. Ulpian. Τετρίτην ἔκβαλλε, From which kind of  
 pleading it grew into a proverb <sup>b</sup> πρὸς τῆς κλεψύδρας, <sup>c</sup> Cicero,  
 ad clepsydram, to speak by the houre or an allotted time. His  
 speech being ended, he late down. <sup>d</sup> The defendant then  
 sitting all that while over against him, untill he had finished,  
 after addressed himselfe to his answer, which he made from  
 the right hand of the Iudicatorie; where he had a pulpit, and  
 station; For this reason saies <sup>e</sup> Aristotle, because they would  
 make both parties equall, For the Suiter having the better  
 part, they gave the upper hand to the defendant. Or because  
<sup>f</sup> οἱ φερόμενοι or defendants, were for the most part in custody;  
 If therefore the guard stood on the right hand, the defendant  
 stood there also. Thence then he pleaded for himselfe; in  
 which plea, he was only to wipe out those accusations which  
 his adversarie laid against him, <sup>f</sup> μόνον κατηγορηθέντων λύσει ποι-  
 εῖν, And in that had the plaintiff a prerogative. For he might

<sup>h</sup> Pollux l. 8.  
<sup>i</sup> P. 404.  
<sup>j</sup> Ulpian. in  
 Dem. p. 356.  
<sup>k</sup> Demosth.  
 πρὸς Βοιωτ.  
 p. 586.

<sup>l</sup> In Pluto.  
<sup>m</sup> Apologia.

<sup>a</sup> Demosth.  
 ὑπὲρ ποσει-  
<sup>b</sup> Aristoph.  
 pag 617.  
<sup>c</sup> Tulc. Qu.  
 l. 2. in fine.  
<sup>d</sup> Ulpian in  
 Dem. 226.  
<sup>e</sup> Problem.  
 πρὸς Δικαιο-  
 σύνωμ. καὶ ἄ-  
 δικίαν.

<sup>f</sup> Ulpian in  
 Demosth. p.  
 252.

g Loco lau-  
dato.

h Demosth.  
219.

i Clemens  
Aland. These  
had certain  
pettifoggers  
under them,  
that admini-  
stred the  
Laws and  
formes of a-  
ction. Cicero  
apud Græcos  
infimi homi-  
nes mercedu-  
lâ adducti mi-  
nistros se  
præbent in  
judiciis Ora-  
toribus iis, qui  
apud illos  
παραματικοί  
vocantur.

k Cornelianæ  
Vide at Atti-  
cum, l. 1. c. 13.  
l Vide Læ-  
tium in vita  
eius.

object what he would; nay and as *Aristotle*, forecast all be-  
fore he commenced his suit, and feigne to himselfe what he  
pleased; The defendant, perhaps innocent, was at that instant  
to clear himselfe, h either by witnessse, or probabilities, of  
all doubts, whatsoever the plaintiff could cast in. Sometimes  
the Plaintiff and Defendant would desire Advocates of the  
Judges, Σωμωγγοί, hence i ἐπὶ μισθῷ Σωμωγοεῖν, to plead for a  
fee. In the time of their pleading, witnessses were called,  
who came in, and gave their testimonies; and after they had  
uttered what they had to say, they went to the Altar (as it  
seemes to me, either in, or very nigh the Iudicatorie) and  
swore. k *Cicero. Athenis aiunt cum quidam apud eos sanctè  
graviterq; vixisset, & testimonium dixisset publicè, & ut mos  
Græcorum est, jurandi causa ad aras accederet, una voce omnes  
Judices, ne is juraret, reclamasse.* They report that in Athens  
when a certain man (l *Xenocrates*) who had lived Godly and  
gravely among them, had given witnessse, and as the fashion  
of the Greekes is, approached to the Altar to take oath, all  
the Iudges with one voice cried that he should not. (They  
would not, it seemes, have believe rather be bound with re-  
ligion then truth) Fit to this is the answer of *Pericles* to a  
friend of his desiring him μαρτυρεῖν ἄδης to testify a lye,  
which he was to avouch with an oath, I am your friend;  
quoth he, to the Altar, that is, as farre as conscience, religi-  
on and honesty shall permit; hence ἀρεὶ βωμῷ φίλῳ ἐὶ) ἡσῆ;  
ad aras; grew, I suppose to be a proverb. *Plut. Apophth. p.  
112.* Whether in this ceremony they touched the Altar, I  
cannot justly say; in delivering their testimonies they were  
wont to touch the tips of the eare (for reason to me un-  
known;) called λοβοί from λαμβάνειν. *Etymologicon;* (But I  
rather may suppose it to be a Roman fashion, where the  
Plaintif was wont to pluck his witnessse by the eare, for re-  
membrance sake. *Horace lib. 1. Sat. 9. Licet attestari? ego ve-  
ro oppono auriculam--* To which *Virgill* looked, saying *Cyn-  
thius aurem vellit & admonuit. Eclog. 6.*) and at the end  
thereof

thereof with all destruction to themselves and house if they dealt falsely. Which if they did, they were subject to a writ  $\psi\delta\delta\mu\sigma\tau\epsilon\iota\omega\upsilon\upsilon$ , of false witness, and he that suborned them  $\epsilon\sigma\kappa\omicron\tau\epsilon\chi\upsilon\iota\omega\upsilon$ . Sometimes the witness was not present at the doing of the wrong, but took it from others by hear-say, which the Greek Lawyers terme  $\acute{\alpha}\kappa\omicron\eta$ , as  $\acute{\alpha}\kappa\omicron\eta\ \tau\epsilon\lambda\epsilon\lambda\omicron\tau\eta\kappa\omicron\tau\omega\upsilon$ ; in Demosth. when they take it from those that are dead, which went for pp. 619. 634. currant, and was allowable: But to bring a testimony from the Mouth of one that was alive, and within the territories of Athens, it would not passe. As neither theirs who were discarded the liberties of the City,  $\acute{\alpha}\pi\omega\iota$ ; or servants, or any man in his own cause. <sup>a</sup> The manner of witness was two-<sup>a</sup> fold, either by personall appearance and testifying  $\acute{\alpha}\nu\tau\omicron\sigma\tau\omicron\upsilon\omega\pi\omega\varsigma$ , and then he was called  $\mu\acute{\alpha}\rho\tau\upsilon\varsigma$ , in no case lyable to the Law,  $\iota\omega\delta\iota\kappa\theta$ : or else by writing, by which he offered himselfe to his questions or attachments in Law, against whom he witnessed; if he were not true; and this is  $\mu\sigma\tau\upsilon\rho\iota\alpha$ . Both parties being heard and the altercation ceased, the *Præco* cried, *To whom E. N. hath seemed to violate right*, (so they interpret  $\acute{\alpha}\delta\iota\kappa\epsilon\iota\nu$ , *jus violare*) *let him cast in the black stone, or hollow, to whom he seemeth not, the whole or white*. For we must know that anciently the Greekes gave their sentences with black and white pebles, called <sup>b</sup>  $\chi\omicron\iota\sigma\iota\nu\alpha\iota$  (which the French semblably terme *Porcellaines*,  $\chi\omicron\iota\rho\theta$  *porcus*) <sup>c</sup> *Ovid*.

<sup>a</sup> Vlpian in Demosth. 238.

<sup>b</sup> Aristoph. 438.  
<sup>c</sup> Metamorph. 1. 15. F. i.

*Mos erat antiquis, niveis atrisq; Lapillis,  
His damnare reos, illis absolvere culpa.*

The antique fashion was with white stones to absolve, with black to condemne the accused. Pertinent to which is the saying of *Alcibiades*, when he was called out of *Sicilie* to goe home and answer for his life, counting it foolish to goe thither, whence he never was like to escape; when one asked  $\delta\grave{\epsilon}\ \omega\iota\varsigma\ \acute{\alpha}\epsilon\iota\varsigma\ \tau\eta\ \pi\alpha\tau\rho\iota\delta\iota\ \tau\acute{\omega}\ \omega\epsilon\iota\ \sigma\epsilon\ \kappa\rho\iota\sigma\iota\nu$ ; Wilt thou not trust thy country which begat thee to be thy Iudge?  $\omicron\upsilon\delta\epsilon\ \tau\eta\ \mu\eta\lambda\epsilon\iota$   $\delta$ , quoth he,  $\Delta\acute{\epsilon}\delta\omicron\iota\kappa\alpha\ \chi\delta\ \mu\eta\ \acute{\alpha}\gamma\upsilon\upsilon\theta\iota\sigma\alpha\ \tau\alpha\ \kappa\iota\ \sigma\phi\alpha\lambda\epsilon\iota\sigma\alpha\ \tau\epsilon\ \acute{\alpha}\lambda\eta\theta\epsilon\varsigma$ ,  $\tau\acute{\omega}\ \mu\acute{\epsilon}\lambda\epsilon\upsilon\tau\alpha\ \epsilon\mu\beta\acute{\alpha}\lambda\eta\ \alpha\upsilon\tau\eta\ \tau\ \lambda\omicron\upsilon\kappa\eta\varsigma\ \Delta\eta\mu\omicron\gamma$ . No not her, that brought

<sup>d</sup> *Ælian. Var. lib. 13. c. 38.*  
*Plut Mor. p. 140.*

me forth. For I fear least shee being ignorant, and not conceiving the truth, mistake the black for the white stone. The black made *tristem sententiam*, and was so named; the sad sentence; the white *candidam* or acquitting. They used likewise black and white beanes; in respect of which *Pythagoras* is thought to have spoken as a riddle *κράμυς μὴ ἐδίειν*, not to eat beanes; by <sup>c</sup> *Nonnius* interpreted *μὴ ἀποδιδόντας τὸ δίκαιον δωροδοκῆσαι χεῖμασιν*, Not to undermine justice with bribes; or that men should get by the perverting of equity. I see no reason, but that I may think he meanes men ought not to be forward in getting places of Iudgement. For <sup>f</sup> *κράμυς* in *Aristophanes* is by the Scholiast expounded *δικαστής*, and *κράμυς* *κράμυς* is used for a Iudge, which properly signifies an eater of beanes. But afterwards they had little pellets of brasse; The bloody ones of them were peirced through, therefore termed, <sup>h</sup> *τελευτηῦναι*: the saving were whole, *ἄτρυποι*. Of these every one took, of each one, from the Altar, as I have said, <sup>i</sup> where laying their hands upon the *ψήφους*, or bals, they intimated by a transposition of them (as from the black to the white, and from the white to the black againe) that they would not for envy or by respects, but indifferently and truly judge. When then they were ready to passe sentence <sup>a</sup> the *Præco* carried about the *κράδον* or *κράδισκον*, a certain pitcher (for so <sup>b</sup> *Xenophon* calls it, *ὑδρεία*) having on the mouth of it a conveiance like a Tunnell, named *κημὸς*, but the top thereof was covered close, except a little hole for one pellet at a time to be put in, made for avoiding of deceit, I suppose, least one man might cast in more; and therefore were they to touch the *ψήφον*, only with the forefinger, middle, and thumb. <sup>c</sup> *Aristoph.* *Τὸς τρεῖς λαυέχων ἢ δὲ δακτύλων, ἀγισα*). But we must know that the black and white pellets were not promiscuously cast into one pot, but two; <sup>d</sup> The one which freed was made of brasse called *πέπερος*, whether because they first threw into it their voices, or because it may signify the better, I know not; The other that condemned, being  
woodden

e In Naz.  
Stelit. 17.

f Pagina 290.  
g Lyfistrata.  
p. 870.

h Pollux. l. 8.  
pag 407.  
Vlpian. in  
Dem. 470.  
i Vlpian in  
Dem. p. 162.

a Aristoph.  
485  
b Pag. 263.

c Pag. 437.  
vide Scholiast.

d Aristoph.  
Vespis 500.



woodden  $\nu\sigma\epsilon\rho\theta$ . After the Crier had gone round with both, because some would keep their bals, and for favour not give their voice against a friend or great person, therefore he cried  $\epsilon\tau\iota\varsigma\ \alpha\psi\eta\phi\iota\sigma\theta$ ;  $\alpha\nu\iota\sigma\alpha\delta\omega$ , Who hath not cast in his ball? let him rise. So he rose and threw it in. Then they took them out and numbred them; and in matter of lands, mony or the like, whose vessell (for there were as many set as the number of the litigants came to) had most; got the upper hand. At the counting of them a Magistrate stood by with a rod, and laid it over those that were told, least they should mistake the one for the other or wittingly doe it. For so were they wont to doe; thence named  $\epsilon\psi\eta\phi\iota\sigma\theta$ . Which  $\epsilon$  *Tencer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulysses*; and therefore he calls him  $\kappa\lambda\epsilon\pi\tau\omega$   $\psi\eta\phi\iota\sigma\theta$ . Sch.  $\delta\epsilon\lambda\iota\omega\ \kappa\pi\iota\tau\omega$ : not amisse  $\psi\eta\phi\iota\sigma\theta$ .  $\epsilon$  When the number was known, if the white or solid bals were more, they took their tables, which they had in their hands, and drew a short line, as a token of absolution; if the black or hollow were more, they drew a longer line, as condemning. Hence  $\iota\alpha\omega\alpha\sigma\iota\ \pi\mu\alpha\tilde{\nu}\ \mu\alpha\kappa\epsilon\tilde{\nu}$ , may be used, for to condemne every body. The thing it selfe they termed  $\kappa\alpha\lambda\iota\zeta\epsilon\tilde{\nu}$ , as *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Judges) his adversary wrote down what dammages he should pay, which they terme  $\epsilon\pi\gamma\epsilon\gamma\epsilon\tilde{\nu}$ .  $\mu$  *Plutarch*.  $\delta\epsilon\iota\alpha\ \tau\alpha\lambda\alpha\upsilon\tau\alpha\ \pi\eta\mu\mu\alpha\ \epsilon\kappa\epsilon\tilde{\nu}$ .  $\nu$   $\delta\iota\kappa\omega\tilde{\nu}\ \epsilon\pi\gamma\epsilon\gamma\epsilon\tilde{\nu}$ . For it was a use of old for those that went to Law to make agreements (I know not whether by oath, for they did sweare by three Gods  $\iota\kappa\epsilon\pi\omega\tilde{\nu}$ ,  $\kappa\alpha\delta\alpha\rho\omega\tau\omega\tilde{\nu}$ ,  $\epsilon\zeta\alpha\kappa\iota\sigma\theta\epsilon\iota\omega\tilde{\nu}$ ; and put it into the *Echinus*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards  $\epsilon\pi\gamma\epsilon\gamma\epsilon\tilde{\nu}$ , that is set down what losse of limbs or life, or meanes &c. For although they did  $\omicron\epsilon\pi\epsilon\chi\epsilon\gamma\epsilon\tilde{\nu}\ \epsilon\delta\alpha\iota$  give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more then the fine. There was

*e* Aristoph. Vespis.

*f* Schol. Naz. in  $\epsilon\mu\lambda$ . *g* Sophocles Ajax. p. 68.

*h* Schol. Arist.

438.

*i* Aristoph. Vesp. loco. cit.

*k* Pag. 491.

*l* Aristoph. p. 472.

*m*  $\epsilon\iota\sigma\iota\varsigma\ \rho\eta\tilde{\nu}$ . p. 454.

*n* Schol. Arist.

in  $\omega\lambda$ . pag. 50.

*o* Schol. Arist. 740.

in

- in causes capitall an other proceeding, like to that in the City of <sup>a</sup> Venice; where they gave two sentences. In the first they determined whether they should condemne or free; If in the first he was condemned, the manner of punishment was ordained in the second. But if in the first they found no cause of death, they had the accused to fine himsele, which <sup>b</sup> Xenophon intimates by *ἑοπιμαίν*, and if it were too little the Judges doubtlesse made it more, as the Scholiast of Aristophanes, if I forget not: The custome is set down by <sup>c</sup> Cicero, speaking of Socrates. *Ergo ille quoq; damnatus est &c.* And he too was condemned; nor only by the first suffrages, but also by those which by the appointment of the Lawes they were to give the second time. For in Athens the accused being found guilty, if the offence were not capitall, they weighed and considered the penalty. When the sentence was to be given by the Judges, they asked the defendant, what he thought himsele to have deserved to forfait, &c. (In the Venetian Common-wealth this is not observed.) In tryall if there be more for the prisoners liberty, then against him, he is streight acquitted, but if more then halfe be in the pot of condemnation he suffers. <sup>d</sup> Socrates at the first had two hundred eighty and one more against him, then on his side; and at the next eighty more were added to the former, so in all he had three hundred threescore and one condemnatory suffrages. But fewer might have done as much. For we read in <sup>e</sup> Demosthenes of Cimon like to be punished with death. *Ἐὰν τρεῖς καὶ ἄφρονες*, if three had not been wanting. And againe <sup>f</sup> *τρεῖς ἢ μόνοι ἄφρονες δὲ δύναντο τὸ μὴ θανάτῳ πικρῆσαι.* Nay one was sufficient, <sup>g</sup> Demosthenes. *Μία μόνον ἀλῶναι ἄφρον.* But *Vlrian* on the place *ὥστε μικρὸν εἶδέναι πικρῆσαι*, saies, that he was lightly punished. <sup>h</sup> If the voices were equall, then was the prisoner loosed; because sometimes he might be accused upon suspicion; or of those things which he did not willingly commit, or perhaps was sued out of envy, and many other reasons given by <sup>i</sup> Aristotle: therefore did the Lawgiver leave
- <sup>a</sup> Contaren. de Rep. Ven. lib 3.
- <sup>b</sup> Apolog. Socr. p. 265.
- <sup>c</sup> De Orat. 1. fol. 61. b.
- <sup>d</sup> L. vertius in Socrat p. 115.
- <sup>e</sup> Pag. 436.
- <sup>f</sup> Pag. 430.
- <sup>g</sup> Pag. 338.
- <sup>h</sup> Aristoph. p. 244.
- <sup>i</sup> Probl. 7. n. 20.

leave some place for pittie and compassion. To which the Judges were often moved. And therefore would they plead the<sup>k</sup> deserts of their ancestors; their own lives formerly wel led. <sup>l</sup> Sometimes shewed they their wounds; and brought the venerable gray hairees of their parents, but <sup>m</sup> mothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to <sup>a</sup> come up into the *βῆμα*, or pulpit, & supplicate with teares; which wrought so much upon the Judges, that <sup>b</sup> *Aristophanes* in a scoff presents one *ἑποδανύσαντα πῶν γρόμῳ*, drowning his sentence in weeping. Then in compunction would the Judges speak to the prisoner, <sup>c</sup> *κατάβα, κατάβα*, wishing him to goe downe from the *βῆμα*, a token of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when <sup>d</sup> *Plato* would haue beene Advocate for *Socrates*. *Νεώτατος ὦν, ὃ ἀνδρες Ἀθηναῖοι, ἦν ὅτι τὸ βῆμα ἀναβάντων*, they thundred out, *καταβάντων. τρεῖσι κατὰβησι*. Neither may I forget <sup>e</sup> *Amyntias* the brother of *Æschylus* the Tragœdian, who, when the people would haue stoned his brother for some impietic brought on the stage, held up his elbow and arme without a hand, lost in the fight at *Salamis*: by which spectacle the Judges calling to minde the merits of *Amyntias*, dismissed the Poet. Neither may I omit what <sup>f</sup> *Xenophon* objects to them, that they cared not so much for iustice, as regarded what might conduce most to their owne profit, and be convenient: <sup>g</sup> And that they condemned innocents, and spared offenders that could speake well. Furthermore another fault of theirs was the prolonging of cases a whole yeare, saies <sup>h</sup> *Xenophon*, and <sup>i</sup> *Aristophanes*. *Ἀλλ' ἔχι νυνὶ τὰς ἑποδανύσαντας ἑισαγωγῶν, ἀλλ' εἰσαῖδης ἀναβεβλήμεθα*. Now we doe not handle suits of about three-score yeares, but we are put off untill the next day. *Τὰς ἐπιεκοπὴν γὰρ ἐκδικάζομεν*. For wee come to triall within twenty yeares. This *Xenophon* imputes to the multitude of their imployments. As long as the case hung in suspense, the name of

<sup>k</sup> Dem. p. 492.  
<sup>l</sup> Aristid. T. 3. p. 292.  
<sup>m</sup> Dem. p. 493  
<sup>n</sup> Aristid. loco cit. παιδία ἀναβιβάζον.  
<sup>a</sup> Aristop. pp. 469. 499.  
<sup>b</sup> Vesp. p. 499  
<sup>c</sup> Sch. Ar. 500  
<sup>d</sup> Laert. Socr. p. 115.  
<sup>e</sup> Ælian Var. hist. l. 5. c. 19.  
<sup>f</sup> Athen. Rep. ἔ τῶ δικάει αὐτὸς μέλει μᾶλλον ἢ τῶ αὐτῶν συμφύροντος. p. 404.  
<sup>g</sup> Apol. Socr. initio.  
<sup>h</sup> Athen. Rep. 406.  
<sup>i</sup> Εκκλησιασ. 752. 753.  
 They are translated foolishly into latine.  
*εἰσαῖδης* is what the Proctours in the Civill Law usually mean by in proximum, in proximum.  
 the

Q

k Budæus in Pand. No. Relig. p. 31.  
l Demost. in Mid. 347.

m Cont. Andro. 388.

n Dem. p. 406

the accused was (as among the Romans, whence <sup>k</sup> *Rei pendu- li*) exposed in a publique table to the view of all men; which they terme *ἐκκείδαι*. Demosthenes. ἵνα ἐκκείριτο πρὸ τῶν Ἐπωνύμων. *Vérian*. ὡς τε δεῖν καὶ πᾶσι βλέπειν. You see here the place too, viz. at the Statues of the *Eponymi*. Before a man was convicted, all that they objected to him was but *αἰτία*, by <sup>m</sup> Demosthenes termed *ψιλλὸς λόγος*, a bare report; but after proofe *ἐλεγχος*. ὅταν οἷς αὐτῷ εἴπῃ τις, καὶ τὰ ληθεῖς οὐκ εἰδείξει. After judgement past, <sup>n</sup> *ἀδικήματα*. An inditement of sacrilege, theft, murder, treason, is but *αἰτία*; the evidence and conviction makes it *ἐλεγχος*, the sentence *ἀδικημα*.

CAP. III. SECT. II.

De Areopago, & eius appellatione. *Areopagite*.

a When Tullius had divided the Roman field, he made on high hills & places fortified by nature, refuges for the husbandmen and called them *πάγους*. Dion. Hal. 4. Not as if it signified a village, but as it was situated. For Pagus villa rustica comes from *πηγή*. Because built neere a well. Perot. p. 296. d Elect. p. 836. e Metamorp. l. 6. fab. 2. f Vide Scalig. in conject. g Demost. p. 413. Paus. p. 26. Simeon Met. & Pachym. in vit. Dionys. Arcopag. h Loc citato. i Paus. Attic. p. 31.

ON the hill, on which the *Acropolis* was built, stood the *Areopagus*, in the old translation of the Acts of the Apostles rendered *Vicus Martius*, by our Englishmen, *Mars his Street*, Falsly. For <sup>a</sup> *πηγή* beares not that signification, but what <sup>b</sup> *Iustin Martyr* interprets, ὁ ὑψηλὸς τόπος, an eminent place. <sup>c</sup> *Ev* ὃ ὄχθος πρὸ τοῦ ἐκείνο τοῦ δικαστηρίου. For that Iudicatory was on a high rock. Therefore named by <sup>e</sup> *Aeschylus*, & <sup>d</sup> *Euripides*, <sup>f</sup> *Αρειὸς ὄχθος*, by <sup>e</sup> *Ovid*, *Scopulus Mavortis*, and <sup>f</sup> *Ennius*, *Areopagitica petra*: so called, as fond Antiquitie would haue it, & from the judgement of the twelue Gods upon *Mars*, for killing *Halirrhothius* the sonne of *Neptune*. But <sup>h</sup> *Iustin Martyr*, because he was there arraigned of advou- tery, *μοιχείας ἐκείσε δικας ἔδωκεν*. But alike true. It pleases mee well to consider the superstition of the ancients, that conse- crated high places to their deities, and erected the statues of their Gods upon hills. As <sup>i</sup> *Parnes*, *Hymettus*, *Anchesmus*,

whence

Whence *Iupiter Parnethius, Hymettius, Anchestmius*. And as in *Athens*, *Neptune* had a hill *Ποσειδῶνος πάρος*, *Saturne* another *Κρόνου πάρος*, *Pan* another. *Πανδῆς πάρος*, *Mercury* another, *Ερμῆς πάρος*, so *Mars* his *Areopagus*. <sup>k</sup> *Æschylus* gives it a nomination from the *Amazons*, sacrificing to *Mars* there, when they came and fought against *Theseus*. Or if you will receive the opinion of others, it takes the name from the cases in it handled, of blood wilfully shed: so *Hesychius*, " *Ἀρεῖος φονικῆς*, That when <sup>l</sup> *Juvenal* calls it *Curiam Martis*, you may interpret it, *The Court of murder*, but willingly committed. This is termed by the <sup>m</sup> *Tragedian*, the most uncorrupt, sharp, reverend council, then which nothing is more constant (saies <sup>n</sup> *Tully*, comparing to it the Roman Senate) nothing more severe, as by <sup>o</sup> *Pseudo Dictys Cretensis* it is styled *Judicium severissimum per omnem Græciam*. Then which none judged better, more iust, or honest, saies <sup>p</sup> *Xenophon*. <sup>q</sup> *Plutarch* writes that this Court was ordained by *Solon*, and <sup>r</sup> *Cicero* received the like opinion; but that seems to contradict it, which *Plutarch* presently brings, quoted in the thirteenth table, that they who had lost their liberties should be restored againe, unlesse they were condemned by the *Areopagites*, *Epheta*, *Prytanes*, *Basileis*, of murder, slaughter, tyranny, when that Law was enacted. And by and by, <sup>s</sup> *Τίτες ὃ ἦσαν οἱ ἀπὸ Σόλωνος*, &c. Who were condemned in *Areopagus* before *Solons* time (if he first instituted the *Areopagites*.) <sup>t</sup> Others are of opinion, that *Solon* added the *Areopagites* to the *Epheta* (Judges so called, because when formerly the *Basileus* made inquisition after murder unwillingly committed, *Draco* made it *ἐφέσιμον*, that is, translated it to the *Epheta*, their number was but fittie one. And though they judged in five Courts once, yet by little & little they became ridiculous.) <sup>u</sup> *Possardus* saies, he abolished their severity, and substituted the *Areopagites*. But <sup>a</sup> *Vrbo Emmius* more probably, that *Solon* was not the Author of this Senate, but brought it into a better forme, made it more strong and firme, and augmented the power of it. For *Draco* it seems

<sup>k</sup> *Eumenidib.*  
P. 296.

<sup>l</sup> *Satyr.* 9. v.  
100.

<sup>m</sup> *Æschylus*  
pag. 297.

<sup>n</sup> *Ad Atticum.*  
l. 1. ep. 11.

<sup>o</sup> *De bello*  
*Tro.* l. 6. p.  
147.

<sup>p</sup> *Ἀπομνημ.*  
p. 448.

<sup>q</sup> *In Solone*  
pag. 63.

<sup>r</sup> *Offic.* l. 1.

<sup>s</sup> *Loc. laudate*

<sup>t</sup> *Pollux.* l. 8.  
p. 407.

<sup>u</sup> *De Athen.*  
Mag. p. 446.

<sup>a</sup> *De Rep. A-*  
*then.* p. 30.

b Vide Maxi-  
 mura in Pro-  
 log. ad S. Di-  
 onys. opera &  
 Niceph. lib. 2.  
 in vita Dion.  
 c Pachymer.  
 d Isoc. in Are-  
 opag. p 133.  
 e Loco supra  
 laudato.  
 f Athid. l. 2.  
 g Anonym. in  
 Argu. Oratio.  
 Androia.  
 \* They were  
 of those Ma-  
 gistrates that  
 were chosen  
 by Lot, as the  
 Archon, The-  
 smotheræ,  
 Basileus, Po-  
 lemaichus. for  
 which cause  
 Pericles was  
 not of that  
 number. be-  
 cause he neuer  
 attained to  
 these offices.  
 Plut. in Peric.  
 p. 113.  
 h Anonymus  
 loco laudat.  
 i De statu Ita-  
 liæ adversus  
 Machiavel.

lessened the authoritie of it, deriving it to the *Epheta*; *Solon*  
 restored that authority and made it greater. <sup>b</sup> To this compa-  
 ny none were admitted, but wise, wealthie, and noble men;  
<sup>c</sup> famous for good life, and innocencie, τὸ ὅτι πᾶσι ἀνεπίλητων,  
 whom no man could iustly charge of misdemeanour. Nay,  
 men, whose behaviour was intolerable, <sup>d</sup> ἐν τοῖς ἄλλοις πρῶ-  
 μασι ἀνεκτοῖ ὄντας, after they were chosen into the Colledge  
 of the *Areopagites*, abhorring and blushing at their former  
 dispositions, ὀκνεῖντες τῆ φύσει χρῆσθαι, changed their natures, &  
 embraced vertue. The number of them is uncertaine. <sup>e</sup> *Nice-*  
<sup>f</sup> *phorus* makes them but nine; as *Maximus* too out of <sup>g</sup> *Philo-*  
<sup>g</sup> *chorus*; *Pachymerius* fiftie and one. But what *Maximus* pro-  
 duces after, is somewhat, that they consisted of fiftie and one,  
 beside the Nobilitie most wise and rich. πλω' ἐξ Εὐπατειδῶν καὶ  
 πλέτω καὶ εἰς ὁμοῦσι διαφείντων. By which words hee seemes  
 to ayme at the nine *Archontes*, & who when they had gover-  
 ned one yeare, and given an account of their offices, and had  
 administred all things iustly, were chosen yearely into this so-  
 cietie. For which election annuall, the number was doubtful.  
 For some might die in that space; or all liue, and in the next  
 yeare be encreased. *Volaterran* out of an old inscription in  
*Acropolis*, that they were three hundred; ΤΩ ΛΑΜΠΡΟΤΑΤΩ,  
 &c. To the most famous *Rufius Festus*, *Proconsul* of Greece &  
*Areopagite*, the council of *Areopagus* consisting of three hun-  
 dred; and the people of *Athens* setup this monument for a te-  
 stimoniall of his good will and benevolence. But that might on-  
 ly happen when this was erected. <sup>h</sup> They continued all their  
 life time in this dignitie, and were never put out, εἰ μὴ πρὸς με-  
 γάλως ἥμισυ, unlesse for some grand offence. <sup>i</sup> *Bozins* tells us  
 (how true I wot not) that they were all Priests. *Athenienses*  
*olim*, &c. The *Athenians*, quoth he, did striue to challenge to  
 themselves the prerogatiue of wisdom, and to them is it  
 bent what the Apostle saies, *The Greekes seek after wisdom*.  
 Neverthelesse their *Areopagus*, who had the power of all  
 things consisted of Iudges that were Priests, and the High  
 Priest

Priest of all that asked every of their sentences, took the suffrages. Their authoritie was unlimited. For they were overseers of all, Judges of wilfull murthers, wounds given out of pretended malice: which would make some, having a desire to drive a man out of Athens, goe to a Chirurgion and make an incision in their heads, that they might sue him who they hated, upon an action of battery, as Mantithens against Baotus. They sate upon incendiaries, and impoisoners, if the partie died that took their doles. They saw that the Lawes should be put in execution, such as Contaren would haue in Venice to be Guardians to their Statutes. In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in Xenophon that they sharply reprov'd a young man for his loose living. *Αναξαλεσ- μώνων αὐτῶν Ἰσ Αρειοπαγιτῶν, &c.* sayes the Dipnosophist. Valerius Maximus. *Est & eiusdem urbis sanctissimum consilium Areopagus &c.* There is likewise in that Citie the most sacred Councell *Areopagus*, where they were wont most diligently to enquire, what every of the Athenians did, by what gaine he maintained himselfe, and what his trade and actions were. That men, knowing and remembring that once they must giue an account of their liues, might embrace honestie. The Greek author tells us that except in great cases of necessity they medled not with state affaires, but it seemes otherwise. For if any one say, quoth Tully, that the Attick Republique can be well governed, without the councell of the *Areopagites*; he may as well say that the world may be governed without the providence of the Gods. When the *Medes* and *Persians* invaded Greece, by the advise of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. And when their publique Treasurie was bare, they furnished each man with eight *Drachmes*, and stored the ships with Mariners. Which advise, when they had wonne the day, was a cause, saies Aristotle, *ἑωπι- αωτιεον ποιησαι τῆ πολιειαν*, to giue strength and sinewes to the

Plutarc. Solon. p. 63.  
 l. Alian. Var. l. 15. c. 15.  
 Dem. p. 406.  
 m Demost. in Orat. *ωεῖς Βοιωτῶν δει- ὀνόματος.*  
 a Dem. p. 445  
 b Pachymer.  
 c In Sympof. unlesse I am extremely forgetfull. It is quoted likewise by Athenæus Dipnos. l. 4. p. 167.  
 e Lib. 2. c. 6.  
 f Aristides T. 1. p. 331.  
 τῶν τῶν ΕΛ- λησι διαση- είων ἐπιμότα- τον κ' ἀξιότα- τον.  
 g Anon. Arg. Orat. Androt.  
 h De natura Deorum. 2.  
 i Est enim bellum gestū conilio Senatus. Cicero Off. 1.  
 k Plutarch. in Themistocl. pag 84 l. 3.  
 l Polit. l. 5. c. 4

<sup>m</sup> Hocrates

Reop. p. 132.

Commonwealth. <sup>m</sup> Under their sight were all the youth of Athens. For this reason especially, because that when they were reckoned among men, and were come to age, they needed more care to be had of them, then when they were children; not observed by our countrymen in sending their sonnes young to the *Innes of Court*) youth and heat of blood, unstaiddnesse in iudgement, rashnesse in adventures, and pronenesse to vice, leading, or rather carrying headlong tender yeares to their owne destruction. To them appertained blasphemies against their Gods, violating of religion, and di-

<sup>n</sup> Laert. lib. 2.

in Aristippo.

p. 154.

vulging mysteries, as when <sup>u</sup> *Euryclides* the Hierophanta in answer to the question of *Theodorus*, *Τίτες εἰσὶν οἱ ἀσεβῆντες καὶ τὰ μυστήρια*; who offended against the mysteries? *Οἱ τοῖς ἀμύητοις αὐτὰ ἐμφρόντες*, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalereus* befrended him, the Hierophanta was in danger, *εἰς Ἄρειον ἀναχθῆναι πάλιν*, to haue beene brought before the Councell of *Arcopagus*. By vertue of which authority *St Paul* was here judged for teaching strange Gods (as they supposed.) <sup>a</sup> For

<sup>a</sup> Symeon

Metaphrast.

although that the Athenians were under the Romans, yet their Lords made them *αὐτονομῶντες*, *sui iuris*, and permitted the to keep their ancient customes. The manner of proceeding in this Court, was thus. After the felonie committed, the appellant brought his inditement to the *Basileus*, who giving the prifoner and his accuser audience once a moneth, at three severall times to debate the businesse, in the fourth moneth,

<sup>b</sup> Pollux, l. 8.

<sup>c</sup> Hermotim.

p. 505.

<sup>d</sup> Pollux, pag.

405.

<sup>e</sup> Vide Vlp.

in Demost.

pag 396.

brings in the accusation to the *Arcopagites*, <sup>b</sup> and putting off the crowne which he was wont to weare, sate down as iudge with the *Arcopagites* in the dark: for they iudged by night, saies <sup>c</sup> *Lucian*, that they might not regard the speaker, but what was spoken. It being there forbidden <sup>d</sup> *καὶ οὐκ ἐπιτρέψαι καὶ δεικνύναι*, to moue to compassion, and use Proems, as in other Courts, wherein they craved the Iudges favour and attention, which by *Demosthenes* are termed <sup>e</sup> *κατακλιμαίοντες*. This <sup>f</sup> *Ari-*

*Stotle*



Stotle calls ἐξω τῆς ἀγῶμας λέγειν, to speak beside the matter. Before the triall both parties sweare ( which they style ἑδωμοσίαν ) The appealer standing upon the testes of a Goat, a Ram, and a Bull (usuall to the Greeks, as Tyndareus swore the Suiters of Helena, that they should revenge any wrong done to her and her predestinated husband, ἠ ἐπὶ τῆς ἱππεύς τῶν τομίων, and Hercules to the children of Heleus ἐπὶ τομίων κάρου ) took oath, therefore named ὄρκος ἐπὶ τομίων; in which he maintained that he dealt iustly and rightly, and that he was ioyned in affinity to the slaine man; <sup>k</sup> which if he were not, hee could not prosecute, the Law forbidding. The reason why he stood ἐπὶ τομίων, I suppose is, because they are the instruments of generation, and in that oath, if he were not true, hee wished an extirpation of his house, himselfe, and his posterity. In which if he were periured, he was liable to no punishment, as among the Romans. <sup>i</sup> *Iurisjurandi contempta religio satis Deum ultorem habet.* For swearing is punished by a revenging God, but if any swore false by the life of the Prince, he fell under the *Iulian Law, Laesa Maiestatis.* After this the prisoner swore; which among us will not be allowed. Then setting each of them upon <sup>a</sup> two silver stones, one of which was named λίθος ὑβρεως, the stone of iniury; the other *Αναδείας*, by *Adrian Iunius* thought *Ανεπίας* of innocence, not impudence. Then the appealer asked the prisoner three questions, which <sup>b</sup> *Æschylus* calls *τεία παλαιόμαλα*. First, whether hee were guilty or no, <sup>c</sup> εἰ κατέκτοναι; to which he answered, ἔκτονα or ἔκ ἐκπνα, yea or nay: secondly, ὅπως κατέκτοναι; for what reason he did the murther. Thirdly, τίνας ἐβλάμασι; who were the Abettours. Then arose there certaine Lawyers, ἐξηγηταί, who shewed whether the murther was committed <sup>d</sup> σὺν δίκῃ, in iustice. ( <sup>e</sup> For in *Athens* there were such Councillours, to whom in matters of difficultie they had resort ) By σὺν δίκῃ, you must understand those causes, in which <sup>f</sup> *Draco* thought it lawfull to kill a man. As taking him committing uncleanness with wife, mother, sister, daughter, or concubin, or any whom he

<sup>g</sup> Pollux loco laudato. Dem. cont. Aristocr. p. 413.

<sup>h</sup> Pausanias Lacon. p. 103.

<sup>i</sup> Idem Meilaniacis. p. 126.

<sup>k</sup> Demosth. p. 608 & 416.

<sup>These agreed,</sup> saies *Pollard,*

about the punishment, according to the

damage received. De Athen. Mag. p.

449.

<sup>l</sup> Lib. 2. C. de reb. cred.

<sup>a</sup> *Paul.* Attic. p. 27.

<sup>b</sup> *Eumenid.* p. 292.

<sup>c</sup> *Ibidem.*

<sup>d</sup> *Æschylus* p. 293.

<sup>e</sup> *Demost.* vid. p. 647.

<sup>f</sup> *Demost.* p. 312.



for putting out the eyes of Quails. Because it was a signe of a minde, likely to proue most pernicious. Their power was shaken and somewhat pluckt downe by <sup>b</sup> Ephialtes, a fore enemy of *Oligarchicall* government, and more enclining to the people, who was secretly slain by <sup>c</sup> Aristodicus of *Tanagra*. They sate three daies every Moneth, *περί τῶν φθινοῦν*, *καὶ τῶν ἐπιπέπυον*.

<sup>b</sup> Plutarch. Vit. p. 355. & Mor. 391  
<sup>c</sup> Plur. in Pericle p. 113.

CAP. III. SECT. III.

De Iudicio ἐν Παλαδίῳ.

**A**fter the siege of Troy some of the Grecians came with *Diomedes*, <sup>d</sup> who kept the *Palladium*, to the coast of *Attica*, and arriving by night at *Phalerum*, supposing it to be an enemy country, went to make a prey. Where *Demopho* ignorant that they were Grecians came to aid and defend his own; and slew many of the *Argivi*; which they cast out unburied; whose bodies when no beast had toucht, (<sup>e</sup> *οὐδὲν πρὸς τὸ ζῶον* saies *Pollux*, the interpreter, *nullus vivus*, I better think it no creature, either foule or beast) *Acamas* shewed that they were *Argivi* having the *Palladium*; Being warned then by the Oracle (who named them *ἄγνωτος*, that is, <sup>f</sup> neither knowing nor known) they buried them; and in that place consecrated the *Palladium*; where they made also a judicatory, for murders unwillingly committed, and called it <sup>\*</sup> *ἐν Παλαδίῳ*, *juxta Palladium*, as some. Here was *Demopho* first tryed, who returning from this battaile, killed with his horse, somewhat diverting, an *Athenian*; <sup>g</sup> For whose kinred some think he satisfied the Law, or generally for the *Argivi*. <sup>h</sup> If any had stricken a man or woman, and the party chanced to dye, he was judged in this Court. <sup>i</sup> In such cases the Law was very favourable; for the party offending was not punished with perpetuall exile, *ἀειφυγία*, as in wilfull felony; (kept by us in England once, called *Abjuration*,

<sup>d</sup> Dictis Cre-tensis de bello Troiano l. 5. p. 14P.

<sup>e</sup> Libro οὐρανίου pag. 406. <sup>f</sup> Schol. Soph. in Oed. Tyr.

<sup>\*</sup> It is simply so called Palladiū. *Ælian*. Var. l. 5. c. 15.

<sup>g</sup> *Pausan.* Attic. pag. 27.

<sup>h</sup> *Demosth.* contra Nexam. pag. 727. Vide 647.

<sup>i</sup> *Demosth.* pag. 329.

R

where

Demosthe-  
 nes, Midiana.  
 Eust. in Iliad.  
 I. E. 25 πα-  
 λαιὸν ἔθῳ, φο-  
 ρὰ δὲ νέου π-  
 νόου. &c.  
 De Ponto  
 lib. 1. Eleg. 4  
 Eustath. But  
 Demosth.  
 ἕως αὖ αἰδέ-  
 σεται πρὸς τῷ  
 ἐν γένει τῷ  
 πεπρονόστῳ  
 Until he ob-  
 tained remis-  
 sion from  
 some of the  
 kindred of the  
 slain.  
 Demosth.  
 Fastorum 2.  
 initio.

(where the guilty had his life upon oath, that he would never  
 returne) but he did <sup>k</sup> ἐξέσχεσθαι, in a gentler terme. <sup>l</sup> For it was  
 a custome of old, to give a certain summe of mony. (the At-  
 tick Law <sup>m</sup> γένηματα ὀπίπματα, in wilfull, all was confiscate) to  
 the kinred of the slaine, that they might not depart their  
 country: but if they could not purchase an aboad they went  
 somewhere else. <sup>m</sup> Ovid. Cede puer factâ Patroclus Opunta  
 reliquit. Their discontinuance was but for one yeare, <sup>n</sup> ἄλλως  
 ἔφουγεν ὁ φονδὴς ἔπλεον ὡς τα ποικὰ ἐνταυτῷ. The money disbur-  
 fed on such occasions was properly called <sup>ο</sup> ποινὴ, quasi φουινῆς  
 from <sup>φ</sup> φόνος murder, as if it were the price of bloud. And the  
 Scholiast of Sophocles tels us that <sup>ο</sup> ποινὴ is spoken only ὀπί κατα-  
 σοχῆς γένματων of payment of mony, but abusively of any pu-  
 nishment. <sup>a</sup> If the party wounded had forgiven the offender  
 before his death, or the allies of the man desperatly hurt,  
 none could afterwards compell him to flee; otherwise he  
 fled. And in that flight he betook himselfe to some acquain-  
 tance; by whom he was cleansed from the guilt with cer-  
 tain ceremonies of washing, which the Romans call *Februa*.  
 So was *Patroclus*, *Peleus*, *Medea*, *Alcmaeon* purified,  
<sup>b</sup> Ovid.

*Gracia principium moris fuit: illa nocentes  
 Impia lustratos ponere facta putat.  
 Actoridem Peleus, ipsam quoq; Pelea Phoci  
 Cede per Amonias solvit Acastus aquas.  
 Vectam franatis per inane draconibus Aegus  
 Credulus immeritâ Phasida fovit ope;  
 Amphiaraiades Naupacteo Acheloo  
 Solve nefas dixit, solvit & ille nefas.  
 Ab nimium faciles, qui tristia crimina cadis  
 Fluminea tolli posse putatis aqua.*

Κατὰ Αει-  
 παρ. p. 414.  
 Paulan. Co-  
 rinth. p. 74.  
 Καθ' ἑσπε-  
 ραν ὀφέ-  
 στω καὶ δαρεῖ-  
 οῖς καὶ ἄλλοις  
 &c.

In this ceremony they did <sup>δ</sup> δῶσαι, sacrifice, saies <sup>e</sup> Demosthenes,  
 (which custome likewise was observed by the <sup>d</sup> Trazenians  
 in the lustration of *Orestes* from the bloud of his mother,  
 which I gather by the feast which they presently celebrated  
 there

there, and yearly observed afterward. This manner was done with water, as you may read, taken out of the well *Hippocrene*, made by the foot of *Pegasus*; the sprinkling was with a littell bough of *Lawrell*, as I suppose, by the words following perswaded to it; which tell us, that when the *καθάρσιαι* were buried, there sprouted out of them a Bay tree) and after that *καθαίρειν, θύται κὶ καθαρθιῶται*. This as I said was in his flight. *καπὸνθ' ὅπῃν κὶ καθαίρεσθ νομίμοις ποί*. The proceeding in this court, was first, *δωμοσίαι*, such as before I mentioned, an oath of each party, accuser and defendant: secondly *λόγος*, their speeches of both sides, thirdly *γνώσις δικασθείη*, Judgment. If the prisoner were found guilty, that is, unwillingly to have murdered, then had he a time appointed him, how long he should flee, as above said, untill he had made peace and gotten pardon from the Cousins of the deceased.

CAP. III. SECT. IV.

De Iudiciis ἐν Δελφινίῳ. Πρωτανείῳ. Φρεατοῖ.

**A**T Athens there was a temple erected by *e* *Ageus* (who lived in *Delphinium*) to the honour of *Apollo Delphinus* and *Diana Delphinia*,<sup>a</sup> where was the Tribunall named ἐν Δελφινίῳ, or ὄπι Δελφινίῳ δικαστήριον. \* In this Iudicatory were heard cases of murder, when the party confessed the fact, but pleaded that it was legitimate. <sup>b</sup> For the Law required no punishment of any man that should kill another taking him committing adultery with his Wife, or uncleanness with his Mother, Sister, Daughter, Concubine, or free Children. Likewise if in preservation of his goods or own defence he spilt bloud it was not capitall. The first that was arraigned here was *Theseus*, maintaining the right he had to slay the theeves, saies <sup>c</sup> *Pollux* (I know not whether he mean *Sciron* and *Procrustes* &c.) and *Pallas* with his children, who were rebels. Before this tryall of *Theseus*, who-

<sup>e</sup> Plutarch. pag. 4. l. 19.  
<sup>a</sup> Schol. Arist. pag. 333.  
 \* *Ælian*. Var. l. 5. c. 15.  
<sup>b</sup> *Demosth.* contra *Arist.* pag. 410. 411.  
<sup>c</sup> *Lib.* 8<sup>o</sup> pag. 406.  
<sup>d</sup> *Paulan.* Att. p. 27.

foever had slain any body was compelled to flee the country, or staying dye, were the cause never so just. *Εν Πρυτανείῳ*. Here they fate on things inanimate. As if a stone, timber, iron, or such like, fall on a man, and kill him, if the party that flung this be not knowne, sentence was past on that thing which slew him; and the *φυλοβασιλῆες*, that were the Masters of this court, were to see this thing cast out of the Territories of Athens, to which *Eschines* alludes. *Τὰ μὲν ξύλα καὶ τὰ λίθους, καὶ τὰ σίδηρον τὰ ἄφωνα, καὶ ἀγνώμονα ἕαν πνα ἐμπιόντα ἀπαλείψῃ ὑπορίζουεν*. The first thing that here was judged was an axe, where with the Priest, whom they call *Βερόνθ*, had slain an ox on the altar of *Jupiter Polieus* in the time of *Erechtheus*. *Εν φρεατῶσι*. In that part of *Piræum* which is next the Sea, is a place which they name *φρεατῶς*, from *Phreatus* an *Heros*, some think; not because it stood in a pit, whence

*h Pollux* names it *ἐν φρεάτει*. Heere they were judged who having fled out of another country for unwillfull murther *ἢ μήπω ἢ ἐκβαλόντων αὐτὸν ἠδεσμένον*, they that drove him out not acquiting him, if in the space of his exile it happened that he wittingly slew another, he answered heere. The proceeding was in this sort. The Judges assembled in *φρεατῶσι*, in a place seated on the Sea; *καὶ τόπον ἐπιγαλέμενον ἐπιθαλάττιον*; where the guilty drawing neare in a boat or bark, was to make his apology, *τὸ γῆς ἐχ ἀπλόωνθ*, not coming to land or touching it, neither casting anchor<sup>l</sup> or mooring his bark; and if he were found guilty he underwent deserved punishment: if he were not found guilty they cleared him of that fact, not discharging him of the former, *ἢ πῶς ἢ δὴ πρότερον φθῶ φιλῶ ὑπέχει*. I know not whether I may be of that opinion that others are in this, that if he were cast in this tryall, he was exposed to the cruell mercy of the wind and waves. These last quoted words seeme to contradict it. The first that ever answered here was *Teucer*, proving himself to be innocent of the death of *Ajax*; <sup>a</sup> whom treacherously circumvented because he defended not, his father *Telamon* drove out of *Salamis*:

f Pollux loco citato.

g Contra Etciph. p. 103.

h Lib. octav. 406.

i Demosth. contra Aristocr. 415.

k Demost. ib. l Rodolphus.

m Gualterus out of Pollux interprets it

n Scalam terræ injicientem, putting down a ladder; the Greeke

οὐ βάθει. m Demosthenes.

a Dicitis cretensis de bello Trajano l. 6. p. 145.

*Salamis*:

Salamis, unto which that he might be restored he made appeal to this court. Which gives light to <sup>b</sup> Aristotle *Ὅσα τοῖς b Politicon* φάγουσι φόβου, ἐπὶ καθόδῳ ἐπιφέρει. ὅς Ἀθῶνισι λέγει καὶ τὸ ἐν 4.c.17. φρεατοῖ διασήμεον. Indicators concerning men flying for murder, that care for their bringing back again, such as in Athens, τὸ ἐν φρεατοῖ. When the party prosecuting will not admit of reconciliation.

C A P. III. S E C T. V.

De Tribunalibus reliquis. Παράβυσον. Τρίγωνον. Βατραχιῶν. Φοινικῶν. Τὸ ἐπὶ Λύκῳ. Μηπίχου διασήμεον. Ἐν Ἀρδήτιῳ. Διαίτησις.

BESIDES these Courts of bloud and causes criminall, there were for civill matters these, *Heliaa*, of which before for the excellency of it I treated. Παράβυσον. Of this name there were two, *Ἡράβυσον μείζον καὶ μέσον*, the greater and the middle. In this Court were handled matters saies *Petit* that exceeded not one drachme, to which <sup>c</sup> Aristotle might <sup>c</sup> *Polit.lib. 4.* be thought to look speaking of Indicators, *περὶ τῶν μικρῶν c.17.* *σωαλλαγματων, ὅσα διαρχμῶν &c.* And this was the meaning of <sup>d</sup> *Pausanias*, *Ἐπὶ ἐλαχίστοις σωιδντων εἰς αὐτό.* Suing here <sup>d</sup> *Atticis. pag.* for the least occasions. The *Vndecimviri* were Judges of the <sup>e</sup> *27.1.13.* Court, which made *Petit* to suppose that it was not to be reckoned among the *ἄνευ διασήμεια*. It stood <sup>e</sup> *ἐν ἀφανεί πύλῳ,* <sup>e</sup> *Pausanias* in an obscure place of the city; whence *ἐν Ἡράβυσῳ*, in <sup>f</sup> *Demosthenes*, is by *Ulpian* expounded, privily, by a *Metaphor* taken from the situation of this Indicator, or, *Ἡραπληρωμάτων* <sup>f</sup> *τῶν ἐν τῷ οἰκοδμήματι ἔνδον, καὶ κρυφῶς τῶ φαινομένῳ,* from goods secretly hidden. *Ἐν Ἡράβυσῳ, ἀπὸ τῆς λάθρα. Τρίγωνον,* from the forme of it, which seemes to have been triangular. *Βατραχιῶν,* and *Φοινικῶν,* from the colours that were painted <sup>g</sup> *Ἐπὶ πρὸ σφηκίτῳ τῷ εἰσόδῳ* upon the post of the entry, answerable to which there was a staffe given to the Judges; that <sup>g</sup> *Aristoteles Athen. Rép. apud Arist. Sch. pag. 31.*

they might know in what court to sit; For they presently went to that court which had the same colour with their staffe. τὸ ἐπὶ Λύκῳ. From the statue of *Lycus* on *Heros*, which was there set up, having the face of a wolfe; where likewise the statue of *Juno* stood visaged in the same manner. But wee must not omit that the image of *Lycus* was erected in every

*h* Zenobius.

court; hence ἡ Λύκη δεκάς, *Lyci decem*, for sycophants and such as corrupt judgement, because that such persons were very frequent and busy there; And so think I *Pollux* is to be read

*a* Lib. octavo p. 406. The place is extremely corrupted, as you may perceive by the false Greek.

ἢ πάλαι ἢ σωθήσαν οἱ σωδὲκάζοντες τὰ δικαστήρια (understand *πρὸς ὅν* or the like) at which they who bribed the Iudicatories met. *Zenobius* helps my conjecture ἐνθα οἱ δωροδοκῶντες καὶ συκοφάνῃ καὶ δίκῃ γιγνώσκουσι σωεσρέφοντο. The *h* Scholiast of *Aristophanes* writes that this noble *Lycus* had a Temple near the Iudicatory, where the Iudges divided their mony

*b* Vesp. p. 457.

for pay, three oboli, to each, a day. *Ἐπιτύχῃ δικαστήριον*. This

*c* *Pollux* lib. 3.

was a great Iudicatory; so named from *Metichus* an artificer, which built it. Here, who had passed thirty yeares of his age and was well and nobly descended and owed nothing to the publique treasury, might be chosen Iudge. For of such they all consisted. *Ἐν Ἀρδητίῳ*. Some have falsly supposed

*d* Athen. At. l. 2. c. 12. p. 124.

that there was a Tribunall so called; neither did *d* *Meursius* think otherwise, when he translated these words of *e* *Pollux*,

*e* Lib. 8. pag. 406.

ἐν Ἀρδητίῳ δικαστήριῳ, *apud tribunal Ardettum*. The fault crept in by the negligence of the transcriber; for the place is

thus to be read, ὠμυθον ἐν Ἀρδητίῳ δικαστήρια. The Iudicatories

were wont to take oath or be sworne in *Ardettus*. *Ardettus*

*f* Ἀπόλλω Πατρῶν, καὶ Διὶ καὶ Βασίλειᾳ.

is a place near the river *Ilissus*, so named from *Ardettus* a Peere, who swore the people, being in sedition & mutinie, to love and amity. Where afterwards, as is most probable, the Iudges took oath (I cannot justly say presently after their election) to give sentence according to the lawes; and concerning things to which no Lawes were enacted, in æquity and justice, *f* by *Apollo Patrius*, *Ceres*, and *Iupiter Rex*. And

*g* Etym. mag. p. 147.

this the Etymologist affirmes, speaking of *Ardettus*, Ἐν τῷ



τῶ ἐν τῷ χωρίῳ ἄμυνον οἱ δικασταὶ ἔδραστον ὄρκον. The Judges  
 in this place took their oath touching the discharge of their  
 office. From whence among the Ancients such as would  
 presently sweare, were called <sup>h</sup> *Ardetti*, proverbially; as also  
 those who were perjurious and forsworne. <sup>i</sup> Καὶ Ἀρδιτῆες τῆς  
<sup>ἐπιθήκες.</sup> Thus have we viewed the Athenian Iudicato-  
 res, in number tenne. For Murther, *Arcopagus*; *Palladium*,  
*Delphinium*, *Prytaneum*, and *Phreatrys*. For other matters,  
*Helica*, *Trigonum*, *Parabystum* (not the *Medium* but *Majus*)  
*Metichi forum*, & *ad Lycum*; where the *Δικασταὶ* were  
 wont to sit, saies <sup>k</sup> *Possardus*; of whom; because <sup>l</sup> *Emmius*  
 numbers them among *Judicia quatuor precipua* the four chief  
 Courts, I will now speak. But of every Tribe were chosen  
<sup>m</sup> forty four men, <sup>n</sup> above threescore yeares old, who judged  
 in severall Tribes, as it fell to them by lot. And if any refu-  
 sed to sit according to his lot, he was deprived of the privi-  
 ledges of an *Athenian* Cittizen. <sup>o</sup> In former time there came  
 no controversy into the Courts, which had not first past  
 through their hands (if it exceeded tenne drachmes. Al-  
 though <sup>p</sup> *Vlpian* tels us that they determined of petty busi-  
 nesses) but that seemes to be, *ἅ ἐν ἱεῶσι*, holy matters, if  
<sup>q</sup> *Pollux* be so to be read. For some things there were which  
 came not under their jurisdiction. What ever the *δικασταὶ*  
<sup>r</sup> *αληρωπὶ* judged, if the plaintiff and defendant, or either of  
 them liked not the award, they might referre it to the Se-  
 nate (as appears out of the <sup>q</sup> Argument of *Demosth. Orat.*  
*contra Callippum*; & <sup>r</sup> *Pollux*) at which removing of the suit  
 they were to cast their suffrages into a pot as they gave them,  
 on what side soever, for the plaintiff by themselves, and for  
 the defendant by themselves. <sup>s</sup> When they were appointed  
 for the hearing of a case, they were to meet at the place for  
 them ordained, there to expect both parties untill the even,  
 at which time if neither, or but one was present, it was in  
 their power to fine them according to the Law. At the time  
 they entred the suit, and wrot the accusation, with the fine  
 which

<sup>h</sup> Casaub.  
<sup>i</sup> Theoph.  
<sup>Char. p. 178.</sup>  
<sup>i</sup> Etym. Mag.  
<sup>loco laudato.</sup>  
<sup>k</sup> De Mag.  
<sup>Athen. p. 540</sup>  
<sup>l</sup> Descrip.  
<sup>Reip. Ath. p.</sup>  
<sup>41.</sup>  
<sup>m</sup> Vlpian in  
<sup>Dem. p. 342.</sup>  
<sup>n</sup> Pollux l. 8.  
<sup>p. 407.</sup>  
<sup>o</sup> Pollux ib.  
<sup>p</sup> Demosthe-  
<sup>nem loco ci-</sup>  
<sup>tato.</sup>  
<sup>q</sup> Pag 678.  
<sup>r</sup> Lib. 3. p.  
<sup>407.</sup>  
<sup>s</sup> Vide Dem.  
<sup>Midian. &c.</sup>  
<sup>Vlpian in il-</sup>  
<sup>lum. p. 344.</sup>

t Pollux l. 8.  
c. 10. p. 408.

u Orat. in  
Bæotum pro  
dote.

\* Idem pag.  
682 n. 41.

x Vlpian loco  
laudaro. 342.

y Petit Mis-  
cel. l. 8. p. 211.

z Vide legem  
apud Dem. p.  
344.

a Zenobius.

which was required for damages; they received as a fee from the plaintiff one drachme, which they called *δίστασις*, as also another from the defendant, when they gave him his oath. This office was but annual; And because they would pervert justice, (as *Demosthenes* is witness, \* although they were not to judge before they had sworn) give sentence according to favour, envy, or for gain, therefore \* at the yeares end they made an account of their function upon the last day of *Ἰ Thargelion*, on which it was lawfull for any to speak what he could object against them; and if any were faulty, they were *ἄπυλοι*. Thus much of the *Διαίτηται Κληρωτοί*. There were other *Διαίτηται* likewise, such as our Civilians call *Arbitri compromissarii*: & we in english *Arbitrators*: whom two parties choose with a resolution to stand to their determination; whether in matter of debt, covenant, or other controversie soever. Such by the *Attick* law any might request, but with a necessity of abiding at their judgement. For they could not appeal from them to any other court. To referre matters to their arbitrement, the Greekes terme *ἐπιτρέπειν δίκαν*. And it will not be superfluous here to relate the story of *Bunas* an *Athenian*, whom when the *Elei* and *Calydonii* had chosen arbitrator in a differency, after he had heard both parties, hee prolonged the sentence untill at last he died. Whence it grew to a proverb, *Βένος δικάζει*, *Bunas judicat*, *Bunas judgeth*, of those that defer to passe sentence, and hold a case long in suspence.

#### CAP. IV.

##### *De Nominibus Judicialibus.*

b Descrip.  
Reip. Ath. p.  
41.

HAVING thus treated of the *Attick* Courts, it followes that I speak of their Tearmes of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed *κατηγορίαι*, saies *Emmius*. Of

κατ-

κατηρειῶν, there were divers sorts. Γεγραή, φάσις, ἐνδειξις, ἀπαγωγὴ, ἀφήησις, ἀδραληψία, εἰσαγγελία. Γεγραή, saies <sup>e</sup> *Ulpian*, is ὅτι ἡ παρνόμων, of any trespasse against the Law, by which the Statutes of the Commonwealth are violated; and most properly, <sup>d</sup> quoth he, elsewhere, it signifies an accusation made according to the Law; or to come nearer, it is the same which in English we call a <sup>e</sup> Writ or Right, in Latine *Actio* or *Formula*, as in <sup>f</sup> *Sueton*, *Iniuriarum formulam intendere*, to serue a man with a Writ. *ἑρασις* is a kinde of an Information made against any for abuses in the Mines, or Custome houses, for converting Tribute money to a mans owne use, or the like. Which offences were brought to the *Archon* in writing, with the names of the accuser and accused, and the fine which the parties convinced should undergoe, to bee paid to him to whom the wrong was offered. But if the Informer had not the fift part of the suffrages, hee was to lay downe the sixt part of the fine; which the <sup>d</sup> Orators call ἐπωβελίαν, from ὀβολός, because it signifies the sixt part of a Drachme. At the end of the accusation, the informer was to subscribe the names of the witnesses that were present. In generall, all discoveries of private iniuries are called φάσις, which in Latine you may name *delationes*. For which the Romans allotted the fourth part of the forfeit, whence they are stiled *Quadruplatores*; but among the *Athenians* not so, if <sup>i</sup> *Pollux* say right. καὶ τὸ μὲν πικρὸν ἐγγίγνεται ἢ ἀδικουμένων, εἰ καὶ ἄλλο ἕσθ' αὐτῶν φαίνεται. The amercement fell to the person iniured, although another accused for him. If the fine were written down a thousand Drachmes, & the Accuser had not the fift part of the voices, he paid two hundred and one Drachme; if it exceeded; a thousand, foure hundred and one. <sup>e</sup> *Ἐνδειξις* is a Writ against those that owe to the Citie Treasurie, and yet goe about to beare office, saies <sup>k</sup> *Ulpian*, which by the *Attick* Law was utterly forbidden. The <sup>l</sup> Scholiast of *Aristophanes*, takes it for the accusing of any that did amisse in publique affaires; and the <sup>m</sup> Interpreter of *Demosthenes* in another place, ἐπὶ ἢ ἀτιμῶν

<sup>c</sup> In Demost. pro Corona. p. 159.  
<sup>d</sup> Orat. contra Lept. p. 296.  
<sup>e</sup> Sir T. Smith Com. Wealth of Engl. l. 2. c. 10.  
<sup>f</sup> In Vitellio. g Pollux l. 8. p. 387.

<sup>h</sup> Demosthen. cont. Caricl. p. 699. n. 6. cont. Everg. & Mnesib. pag. 646. n. 90. cont. Steph. *ψδδ. A. p.* 622. n. 9. contra Onetora. *Εξουλ. β. p.* 528. n. 19. cont. Aphob. β. p. 508. n. 97. <sup>i</sup> Onomast. l. 8. c. 6. p. 387.

<sup>k</sup> In Demost. p. 391.  
<sup>l</sup> In Equit. p. 303.  
<sup>m</sup> Pag. 469.

S. for

Onom. lib. 8. p. 388. for men disfranchised. But <sup>n</sup> Pollux teaches us that it is a declaration made to the *Archon* against one taken in the manner; which the *Greeks* terme *ἑπαυτοφώρα*,<sup>o</sup> Schol, *Ναζιανζ* ἐπ αὐτῇ κλοπῇ, *Pollux* expresses by *ὁμολογεῖν ἀδικήματα*, when the offence is confessed. Because men so apprehended were forced to condemne themselves; no further evidence required then from their owne mouthes. By which acknowledgment of their guiltinesse, without greater triall, they receiued their doome: as among us when a prisoner arraigned, confesses his inditement to be true, no twelue men goe upon him: there resteth but the Iudges sentence of the paine of death. Whence grew our proverb, *Confesse and be hanged*. <sup>q</sup> *Pollux* *ὁμολογεῖν ἀδικήματα*, ἔκείσεως, ἀλλὰ πτωείας δεομένη. He that thus made his declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, *Ἰδούτος ἐνδείξεως*. The declaration was against men who were not present. *Ἀπαγωγή*, is a carrying of a man before the Magistrate, being taken in the fact, whom otherwise he was to accuse by declaration in his absence. By which a thousand Drachmes were endangered. In this *ἀπαγωγή*; they brought not all offenders to the same Magistrats, but according as they were made Iudges of such and such offences; sometimes to the eleven, sometimes to the *Thesmotheta*, sometimes to the *Archon*. Now if a man had found out any indebted to the publique Treasury, or bound for those places or countries, where it was not permitted for him to goe, or one who had committed murther, if by reason of weaknesse he durst not venture to apprehend the person, and *ἀπάγειν*; he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme *ἀφηγείσθαι*. *Ἀνδρολήψιον*, is when a fellow hath committed murther, and flies for succour to any; (as the Law suffered any to receiue him) if the kindred of the slaine or others had required the malefactor to be delivered to the, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

p Sir T. Smith  
 Commonw:  
 of Engl. l. 2.  
 c. 26. p. 28. 1  
 q Loco laud.

r Vlp. in Dem.  
 p. 389  
 s Cicero p. 407

t Dem. p. 416

or all saue three, ἀχρὶ τριῶν, as others, who were to answer for the outrage done. But who so entred uniuſtly, was not to escape unpunished. Εἰσαγγελία, saies \* *Vlpian*, is an accusation concerning great and publique matters, such as \* else-where he speaks of, to wit, the dissolution of the *Democra- tic*; or if an Oratour had spoken what was not for the benefit of the weale publique, if any went to warres before they were sent, or betrayed a Garrison, army, or fleet. In other accusations, if the accuser had not the fift part of the suffrages, he was fined a thousand Drachmes, and lost the priviledges of a Citizen, in this he was uncontrolable. But in after time, because men would accuse presently for none, or small offences; therefore was there a Law enacted, that whosoever accused by εἰσαγγελία, and had not the fift part of voices on his side, was fined a thousand Drachmes, although he lost not the priviledges of a Citizen. This εἰσαγγελία contained no written crimes, but was only by bare word of mouth; and as the accusation was given, so was the defence made according to the Law called Εἰσαγγελπικῆς. The Senate was *Judge* (*Pollux* saies that *Solon* made a thousand to sit on this, and *Phalereus* 1500. Where the interpreter erres. For πρὸς πεντακόσιοι is 500 to the m, as κ' π πρὸς, in *Demosthenes*, and somewhat more) and whom they found delinquent, if in small faults, they fined; but if the offence were heinous, they committed him to prison. Thus much for publique actions; private were these that follow, more properly called *δικαι*.

*Αικίας* Δ. is an Action against a man, who when two shall scuffle, giues the first blow, which the *Ἕ* Greeks call ἀρξαι πη- γῶν ἀδικων. The matter was heard before the Judges; and though the Law ordained not any set summe of money for dammages, yet it was permitted for the partie smitten to write down what he thought fitting. The reason why these actions were so strictly looked into, was least any not able to defend himselfe with his hands, should seeke to revenge himselfe with stones, or other hurtfull weapon.

u Idem cont:  
Arist. p. 415.  
\* In Dem. p.  
58.  
x Eund. p. 453

y Dem. p. 410  
v. de Vlp ibid.  
& Arg Orat.  
cont. Everg.  
p. 637.  
z Sch. Arist.  
Cenc p. 745.  
a Dem. cont.  
Con. p. 690.

- b* Idem ibid. *b* Κακηρείας δ. Somewhat neere our proviso of giving the lye, least by taunting and reproachfull words, men be provoked to blowes. Βλάβης δ. Is when any man receiues damage and hurt in estate by another man. *c* As to turne water into his ground, by which it is anoyed; *d* To refuse to pay money where it is required, or to giue it to another. *e* To promise to beare witness in a suit, and then not be present, by which the case falls, & the like. Παρηγορητικός δ. About pawnes, I suppose, which men that needed mony were wont to leaue with the usurers, *f* as cloathes, householdstuffe, &c. Or about money put to the Banck, which the exchangers did employ to the advantage of the owners, as I gather out of *g* Demosthenes. The word imports both. Αποπομπής δ. Of divorce. *h* For they were wont to put away their wiues, in former time, upon discontent or hope of greater portions; which divorce they called αποπομπή, & as *Lysias* αποπέμψεν on the husbands side, and on the wiues απολύψεν; for hee did as it were turne her away, she was said to forsake him. Κακώσεως δ. Of ill usage of parents, as not relieving them if they were poore. Of wiues against husbands, of Pupils against Tutors. κλοπής of theft, after what manner soever. Which if it were by day, was not capitall, but by night was deadly. Χρέυς δ. Such as our Act of Parliament hath allotted for extortion, it being by *i* Law provided in *Athens* that none should take too much use, although once allowed by *Solon*, that any might make the best of his money: which he termes *κράσιμον ἀργύριον*. Of usury I shall speak more in Chap. of money.
- h* Vi. Casaub. Συμβολαίων. δ. When men had bargained and would not stand to it. *i* Aristotle. δίκαι πρὸς ἀλλήλους πρὸ συμβολαίων. p. 191. Char. Σωθῆκῆς ἀρβασίας δ. When men broke the Articles which πρὸ ἀπονοίας. they made to each other, about dividing of inheritance betweene man and man, or between citie and citie, concerning free trading, as that of the *Carthaginians* with the *Romans*. *m* These σωθῆκαι were usually confirmed by oath to each other. Διαδικασίας δ. *n* a contention
- i* This is reckoned among the Lawes which were made for private men. Vlp in Dem. p. 481.
- l* Polit. l. 2. c. 3
- m* Dem. p. 651 n. 13.
- n* Vlp. in Dem. p. 62. & 310.

tion about bearing office, in which they seeke to haue a time appointed, when a man shall enter into it. For the discharge whereof they are to proue him fit.

*Επιδικασίας Δ.* When parents died and left their daughters inheritrices, the kinred was wont to sue each other, to make it appeare who was nearestioyned in blood, that he might marry her. Hence a Virgin to whom an inheritance falls is called *ἐπίδικος*, that is, *Controversa*.

*ο Pollux l. 3. c. 3. p. 136.*

*Μισθώσεως ὄικου Δ.* About letting of houses. (For *Herodotus* termes that *ἐμισθῆναι*, which other Greek writers *μισθῶται*, it is as well to set to hire, as to take to rent, *ἀμισθῆν* and *ἐπιμισθῶν*, to let out. Which they often did for want of mony, which that they might obtaine the quicker, they wrote over their dore as we use to doe, **This House is to be let.** Which custome *Menedemus* in *Terence* expresses

*Αἶδες Μερκεδε*) This Writ was properly against

*Heaut. Act. 1. Sc. 1.*

Guardians of Orphans (not concerning men of yeares, such as immediatly is before spoken) who having taken the charge upon them of Tuition, were to imploy for the benefit of their Pupils what was left them: they therefore made knowne to the *Archon* that such a house was to be let, he then put it out upon some pledge for security. But if the house were let under the yearely rent it could bring in, or was suffered to remaine void of a Tenant, to the losse of the Pupill, then was it lawfull for any man to sue the Guardian in the *Archon's* court? upon a Writ of *Μισθώσεως ὄικου*

*Επιτοπίς*. I haue observed it to haue been a custome among the Ancients, when they perceived themselues to draw neere to death, to call for some one, to whose care they would commit their children, and delivering them into their hands, beseech them to haue a tender eye over them, and to provide for them what should be most convenient: such as *Oedipus* in *Sophocles* entreats of *Theseus* in the behalfe of his daughters.

*Οedip. Col. P. 314.*

*Ω φίλον κέρε. Δός μοι χερός σου πῶς πῶς ἀρχαίαν τέκνοις, ἄγε τὴν παῖδες τῶδε κατὰ νεσον. Μήποτε προσδώπειν τὰς Δ' ἐκὼν, τελεῖν Δ' ὅσ' αὖ Μέλλης φρονῶν Δ' ξυμφέρον τ' αὐτὰς αἰεῖ.* Not unlike is that of the *Comedian* under

*Ter. Andr. Act. 1. Sc. 5.*

the person of *Chrysis*, committing *Glycerium* to the Tuition of *Pamphilus*.

*Accessi: vos semota: nos soli: incipit:*

*Mi Pamphile, huius formam atq; etatem vides:*

*Nec clam te est, quam illi nunc utraq; inutiles*

*Et ad pudicitiam, & ad tutandam rem sient.*

*Quod ego te hanc per dextram oro, & ingenium tuum,*

*Per tuam fidem, perq; huius solitudinem*

*Te obtestor, ne abs te hanc segreges, non deseras.*

*Si te in Germani fratris dilexi loco;*

*Sive hac te solum semper fecit maximi,*

*Sen tibi morigera fuit in rebus omnibus.*

*Te isti virum do, amicum, tutorem, patrem:*

*Bona nostra hac tibi committo, & tua mando fidei.*

*Hanc mihi IN MANVM DAT, mors continuo ipsam occidit.*

(pat.)

But among the *Athenians* the use was to nominate in their Testaments and last Wills, whom they would have to be Guardians. Which office after they had undertaken, if they should defraud the Orphans of their patrimonie, or any part thereof, they were sued with a Writ *em Toris*, as *Demosthenes* did sue his as soone as he came to age. But if the matter were not questioned within five yeares after the pupil was admitted among the number of men, by the Law the Guardian could not be taxed. *Απσασις*, Of a Master against a Servant ingratefull for his manumission, not doing his dutie to his Master. Because, as *Demosthenes* witnesses, it was the nature of servants once made free, not only to be ingratefull, but also to hate their Masters most of all men, as those who had been conscious to their servitude. It was enacted therefore that whosoever was convicted of ingratitude should againe be made a bondslave. *Valerius Maximus*. Age, quid illud institutum Athenarum, quam memorabile? quod convictus a patrono libertus ingratus, iure libertatis exuitur. The Romans did not onely acquit them of the libertie of the Citie. (which

*Plut. in vita eius.*

*Demosth. p. 724. n. 22.*

*Pag. 465.*

*Lib. 2. c. 1. p. 67.*



(which the Athenians gaue not) but made them also slaves, which punishment they terme <sup>x</sup> *Maximam capitis diminutionem*. <sup>x</sup> Iustin. Inst. 1. 1. T. 16. *Σίτς*. If any man put away his wife hee was to restore her portion againe; if he refused he was *ἐπ' ἑνε' ὀβολοῖς τοκοφορεῖν*, that is, every moneth for one pound to pay nine *oboli* which the Atticks terme *ὑ εἰσόδειον. οργικὸς*, the renew of her dowrie. The Writ whereby he was sued was *Σίτς δίκη*, for the repayment. <sup>z</sup> *Ενοικίς*, If any went to Law, as clayming Title to an house, he was first to serue him that dwelled in it with a Writ *ἐνοικίς*, by which he demands his rent for the time the defendant had the house: if it were for any parcell of land, there was a Writ *καρπῶ* given out, for the provent and fruit thereof; afterwards (in both cases alike) they proceeded to an *ἑσ' ας δίκη*, in which they claymed right and title to the house or land. Although in all these trialls the defendant were cast, yet could he keep iustly either house or land: but if in a third triall, which they call *ἐξέλις*, he were overthrowne, he was compelled to relinquish his possession. This *ἐξέλις* also is a Writ against those that would cast an inhabitant out of his house, it being termed from *ἐξέλειν*, to throw forth. <sup>a</sup> It is also a Writ of Execution against any overthrowne in the Court, and fined a thousand Drachmes, which at such a day he was to pay; and if he laid it not downe upon the nayle, there went forth a Writ *ἐξέλις*, to make enter upon the lands and possessions of him so cast. It is also a Right against any who wil not suffer him, who hath bought any thing of the publike, to reap the fruit thereof. Who either withholds any thing from the owner, or violently takes from any, &c. *Εἰς δατητῶν αἵρεσιν*. When two had beene partners in estates, and one of them would haue a diuidence made, if the other refused, hee might be constrained to it by the Writ. *Βεβαιώσεως*. Because the Market place among the Greeks was the fittest to cheat & cosen in, as <sup>b</sup> *Anacharsis* was wont to say, therefore the Athenians enacted that none should buy in the market place; (to which the *Scythian* wiseman pointed likewise, sayng, that they

Demost. p. 733. Dem. pag. 655. n. 58.

a Vlp. in Dem. p. 340.

b Apud Laer. p. 74.

*c* Pollux l. 8.  
c. 6. p. 385.

*d* In Auson.  
Lect l. 2. c. 6.

*e* In Theoph.  
Char. p. 312.

*f* Adversario-  
rum l. 4. c. 13.

*g* Don. Quod  
prius datur, ut  
reliquum red-  
datur. in Ter.  
Heaut. Act. 3.  
Sc. 3.

*h* Vide Dasq.  
in Basil. Sel.

*i* Sermone 42.

*k* Onomast. l.  
8. c. 6. p. 384.

*l* Demost. p.  
718. n. 29.

*m* Pand. Plio.  
p. 100.

*n* Dem. p. 620.  
n. 78.

Here follow-  
eth the termes  
promiscuous,  
private and  
publique  
which are pub-  
lique and law-  
full for any to  
prosequute: see  
Pollux, pag.  
386.

they forbad to speake false, and yet did ἐν τῇ καπιλείῳ (ἴδ' Ἰν-  
δου) if any man had bargained for any thing, and another sued  
and doubted of the right of it, he might require the seller  
to confirme the lawfulnessse of the thing sold, and maintaine  
it against all controversie, otherwise the seller was liable to  
Βεβαίωσης δίκη. For although in Athens they bought for the  
most part *Gracâ fide*, with ready mony; as *d Scaliger* and *c Cas-  
saubon* truly interpret it, *f Turnebus*, Representatâ pecuniâ: yet  
sometime gaue they Earnest onely to make the thing sure,  
which the *Greeks* and *Latines* call ἑσπέρων, from the *h He-  
brew* ערר. This seemes to me to haue been the hundreth part  
of the mony which was to bee paid for the thing bought, as  
*i Stobæus* out of *Theophrastus*. Where you may read likewise  
that it was the custome, when any thing was to bee sold, to  
bring a note thereof to the Magistrate some threescore daies  
before. Εἰς ἐμφανῶν καλῶσαν, For the laying open of any  
thing, concerning which was a suit in law, by *k Pollux* his  
words I may coniecture, goods or money privily taken away.  
Ἐξαιρέσεως δίκη. When any should offer to take another mans  
servant, and make him free against the will of the Master,  
which the *Greeks* terme ἰμὴ δικαίως ἐλαθεῖαν ἀφελῆσθαι.  
*Amphiβότης* is a suit about neerenesse of blood, in matter of  
inheritance, when a man dies without issue of his own body.  
Παράκαλαβόλη, When a man went to proue that hee was to  
challenge the inheritance of right, as neere of blood; or upon  
some other conditions: from παρακαλάβειν; because hee laid  
downe the tenth part of the inheritance, which if hee were  
cast in Law, hee was to pay, if the caule were private, saies  
*m Budæus*: but if publique, the fift. *n Διαμρπεία*. When  
any shall protest that an inheritance doth hang in controver-  
sie, and is ὀπίδιον, as a true heire being still aliue, of which  
thing chiefly treats the Oration of *Demosthenes* against *Leo-  
chares*. Επίσηψις. When any shall try to falsifie the Διαμρ-  
πεία. Ανιγροφή. When men went to Law about kindred,  
as to proue themselues of such and such houses.

*Ἀπεργασίης* δ. All strangers in Athens were compelled by the Law to get them Patrons (as my most worthy Schoole-master the glory of his time <sup>o</sup> Mr *Matthew Buxt* hath observed, whom for honours sake I name) or else they might be questioned, and if they were convicted their goods were sold and put into the Citty Treasury. *Ἀχαιείας* of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. *Ξένίας* the same with *ἄπεργασίον*, when any will reckon himselfe among the number of Citizens who hath never been made free, by which he purchased imprisonment untill such time as there was a Court kept, and then he was sold. *Μαρτυρία* when a man is eye witness of a matter. *Ἐκμάρτυρία*, When an other witnesses from the report of him that saw it. *Ψευδομαρτυρίον* false witness, which to prosecute in Law they terme *ἑπισκήψαδαι* *ψευδομαρτυρίον*. *Λειποπαρτέειον* when one was eyewitness and promised to testify; yet would not appear at the appointed time; which they were wont to compell them to doe, which they call *κληιδείν*, after which citation the party was to be at court, or forswear that he saw not the matter, or was not present; otherwise he was to pay a thousand *Drachmes*, in which summe to be fined the *Atticke* Lawyers give the appellation *ἑκκλητδέδαι*. *Δώρων γεροφῆ*, When the Judges were corrupted with bribes. *Δειγσμός* against those that did corrupt them. *Ἀργίας* of a man convinced of idleness, which once taken *Δράσο* punished the delinquent with losse of the Citty priviledges, *Solon* not unlesse he were thrice delinquent. *Λειποναυτίς*, When any of the marriners ran away from their ships. *Ἀναμαχίς*, When the Marriners that staid in the ships would not fight, if occasion required. *Ψευδεγγεροφῆς* when any would falsely accuse, there was likewise against them a writ *ἑπιβελδύσεως*. *Ψευδοκλητείας* Against those that unjustly cite to the Court. *Δωροξενίας* when any is accused of encroaching into the number of Cittizens, and gives gifts to escape free. *Παρανόμων* when

*o* In Epist. Dedic. suo Euchaitensi præfixa ad Richar. Cantuariensem Archiepiscopum.

any was accused of making a decree or Law contrary to former statutes. This accusation was called *ἰσχυρομοσία*; because the accuser swore that it was against the Lawes or unjust or inconvenient for the Common-wealth. *Δοκιμασία* was an examination of the Magistrates whether they were fit to governe or no. Whether the Orators were not given to Lust and incontineny, whether they had not spent their patrimonies or dealt unkindly with their parents or lead a life any other waies blameable, whereupon they were discarded the priviledges of the Citty and not suffered to plead or speak publikely. *Ευδωμία* An account of publique offices borne, laying out of mony and dispatching Ambassages, made to the Tenne *Logista* (for the breach of which went out a Writ *Αλογίην λόγον δίδόναι* Rationem reddere) if concerning injuries given to the Iudges. *Προβολή* an accusation against those who are ill affected toward the Commonwealth, made by the decree of the people, and such as are welwillers to the state. *Προβολαί* likewise are accusations against men injurious *ἔξυβείσαντας*,<sup>p</sup> and such as are delinquent against their festivalls, as the oration of *Demosthenes* against *Midias*. *Προμοσία*, An oath which the accuser took that he would justly accuse. *Ἀντιμοσία*, The defendants oath that he had done no wrong. *Ἐξωμοσία*, an oath of Ambassadors or men chosen for state service, that by reason of sicknes they cannot give attendance. They may doe it by a proxie if they please. It is likewise the oath of one called to witness, wherein he swears that he knowes nothing of the businesse. *Ἀπυμοσία* When others shall swear that pretended weaknesse was only a shift to put off the burthen of publique office which the state laid on them. *Ἰπυμοσία* an accusation of a Law or decree unprofitable, against the motioner, as above said. *Παραγγελή & παραμαρτυρία* When a man shall object a case not to be entred rightly, that the writ ought to be such and such, and not as it is *ex. gr.* for a man that runnes away from the Army, which is *λεπτοσεπίς*, and I accuse him  
of

p Lib. Arg. in  
Medianam.

q Vlpian in  
Dem. 226.

of leaving his ranck, to wit *λειποταξίε*, or objection of the time past within which space the suit was to be commenced, or that it should be handled in such a Court and not in such, as wilfull murder in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed *ἀγροατοῦ*. *Ἀνπυροῦ*, when he that is sued puts in a bill against the plaintiff in like manner. But if the defendant (I call *ἀνπυροφάδων*) were cast hee payed *ἐπωβελίαν*. *ἢ Μὴ ἔσα*, when a man is summoned to answer before the Arbitri a controversy, if he sweare that he is sick or pretends a journey from home, and appears not at the day appointed, he was cast in *ἐρήμη Ερεμοδικιο*, as if he scorned to come or were obstinate, hee ought within tenne daies to sue out *μὴ ἔσαν*, wherein he reproved the sentence and made it of no effect so as it came to its first state againe. But if he could not obtaine a *μὴ ἔσα*, having before sworn that he would stand to the award of the Judges, their determination stood in full strength and power, and he was constrained to pay a thousand drachmes, as *ἢ Ὀυριαν*, which was the mulct appointed by the law, for the discharge whereof he put in good security. *Ἀνπλαγχανεὶν δίκην*, When any was absent from the Court or heard not his name called by the Crier to answer thereunto he was fined, as concious of *Eremodicium*, and if within the space of two Moneths he did not renew the suit (which is *ἀνπλαγχανεὶν δίκην*) he was sure to pay the fine. *Ἐνεπίσκηψα*, when any man wil challeng out of goods forfeited and publicquely sold somewhat as debt to him, or say that part belongs to him, the state would narrowly search into it, which thing they terme *ἐνεπίσκημα*. *Πρόκλησις* is a citing of one before the *Archon* in controversy about inheritance, or a virgin left inheritrix. Now if the plaintiff did not warne the defendant *ἢ ἐπισημασμένον*, the suit died, and such actions are called *ἀπρόκλητοι δίκαι*. *ἢ Πρόκλησις* is as letting a case fall or dissolving it upon some witnessse, oath, confession extorted by torments, and the like. *Ἐφεσις* is an appeal from one court to

Dem. 343.

In Dem. p. 340.

Dem. p. 623.

the other, as from the Senate to the people, and from the people to the Senate againe, or from their Iudicatories at home to some forrainers in another country. *Ἀπίμωσι δίκην*

when there is no more fine laid upon a man then what his adversary did *ἐπιγέγραπεν*, write downe at the lower end of his inditement: of which custome somewhat hath before been spoken. *Βολίτε δίκην*. Against such as stole oxe dung out

a Aristoph.  
Sch. p. 328.  
Laertius in  
vita.

of their neighbours lands; whence of those that are put in the court for triviall matters the proverb "*Βολίτε δίκην*. *Ἀσεβεία*, of impiety against their Gods, as Aristotle for his hymne on *Hermias*, Tyrant of the *Atarnenses*, which he engraved on a statue at *Delphos*. For revealing mysteries, or imitating them as *Alcibiades*. Of which if a man were convicted he was put to death; as on the contrary the accuser if he got not the better. *Προδοσία*, of being false to the state, the punishment was death, and after that, that they should be cast out of the Territories of *Athens* unburied. \* *Ἀγεροίε*, If any

\* Dem. cont.  
Theocr. pag.  
723. n. 76.  
77.

owed to the Citty Treasury, and his name were registred, and before the discharge of the mony his name were blotted out, they sued him before the *Thesmotheta ἀγεροίε*, but if his name were never entred he was prosecuted by an *ἐνδειξις*. *Μεταλλικαὶ* proper only to such as dealt in the mines, like to the Stanneries in the County of *Cornwall* my Country, and *Devon-shire* her sister. \* Lyable to this Court were they who should thrust any man from his work, who should dig within another mans liberties, who should bring weapons thither, I suppose to take away Minerals by violence, who should kindle any fire in the Mines &c. Who should offer to take away the props that upheld the weight of the incumbent earth, which to doe was death, as *Plutarch* tels us.

x Dem. con.  
Pantæ. p.  
568. n. 51. 52.

There was likewise *ἀγεροίε μετὰλλε* against the labourers in the Mines, who if they intended to begin a new work were to acquaint the overseers appointed for that end by the people, that the foure and twentieth part of the new coine might come to the publique Treasury. Now if any presumed

y In vitis Decem. Rhet. p.  
453.

med

ined to work who had not made it known to the officers it was law full for any to accuse him ἀγάρου μεθ' ἄλλου. Ἀφορμῆς

Δ. About mony put out to the mony changers. <sup>z</sup> For ἀφορμῆ <sup>z</sup> Argum. among the Atticks is the same that ἐνδίκη in the lawyers of Phorm. Orat. P. 554.

ἀφορμῆ for meanes, and sustenance <sup>a</sup> πρὸς βολὴν εἰς τὸ ζῆν. Κα- <sup>a</sup> Sch. Enrip. ταδικίας and καταδικασίμω <sup>θ</sup> have this difference, that <sup>b</sup> κατα- Med. p. 368.

δικίας is the Iudge that gives sentence, καταδικασίμω <sup>θ</sup> is he <sup>b</sup> Vlpian in Med. p. 368. that put in the controverly, to be the meanes that the sen- <sup>c</sup> Idem in

tence pass against the defendant. <sup>c</sup> Ἀρεσις is when a man Dem. p. 450. deeply indebted pretends that he is not able to discharge all and therefore desires the people that a part thereof might be remitted.

FINIS.

1787

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the Bank of the Commonwealth, held on the 15th day of January, 1787.

1787



